



Missouri State Rulemaking Manual

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SECRETARY OF STATE
STATE OF MISSOURI

EXECUTIVE SERVICES

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Dear Fellow Missourians:

At the Missouri Secretary of State's office, we are tasked with prescribing uniform procedures for the promulgation of administrative rules under Section 536.023, RSMo. My office periodically updates the Missouri State Rulemaking Manual with new information and features so that the most current information is available. We are pleased to present an updated rulemaking manual as a valuable resource when drafting new rules, revising existing rules, or rescinding present rules.

My office is committed to transparency and accountability, and setting the highest priority on making information accessible in a timely and convenient manner. Not only should the rulemaking process be "user friendly", I believe it should be easily accessible to those who wish to see if proposed or revised rules will affect them.

We are available to provide assistance to you during the rulemaking process as well as to the general public in finding rules that could affect their everyday lives. Please feel free to email rules@sos.mo.gov or call (573) 751-4015 if you have questions.

Sincerely,


John R. Ashcroft

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Foreword

Section 536.023, RSMo, charges the Office of the Secretary of State with the duty, as “publisher,” to provide the guidelines and procedures for numbering, indexing, and publishing of all rules, notices of proposed rules, and orders of rulemaking in the *Code of State Regulations* and the *Missouri Register*.

To this end, we provide the *Missouri State Rulemaking Manual*, which is designed to be a tool for the user in making the rule-making process a less burdensome one.

The rulemaking manual was last updated in August 2019. In this updated version, we have maintained a user-friendly approach to the process.

We continue to strive to better serve you in the rulemaking process. If you have questions, tips, suggestions, or comments, please feel free to contact the Administrative Rules staff at rules@sos.mo.gov or call the Administrative Rules’ main number (573) 751-4015 or fax to (573) 751-3032. We are here to assist you in any way we can and hope you will not hesitate to contact us.

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Our Duties to State Agencies and the Public

The duties of Administrative Rules of the Office of the Secretary of State are set forth in Chapter 536, RSMo. Specifically, we are designated as the publisher of the *Missouri Register* and *Code of State Regulations*. Additionally, it is our privilege and responsibility to assist members of the public and state agencies in the rulemaking process. It is our hope that we can make the process as “user friendly” as possible, and we stand ready to assist you in any way we can with the rulemaking process.

We offer to you the *Missouri State Rulemaking Manual* as a tool designed to assist you in the rulemaking process. Additionally, we will provide to you, at no cost, rulemaking classes to train you and/or your staff in the proper procedural steps of the rulemaking process. Classes can be in person or virtual. We believe this class offers some tips and advice that are beneficial to all, from the seasoned user of the rulemaking process to the new user, who is designated as the person who must prepare rulemakings.

To this end, section 536.023, RSMo, specifically states that the Office of the Secretary of State shall prescribe, in writing, the uniform procedures for the numbering, indexing, form, and publication of all rules, notices of proposed rulemaking, and orders of rulemaking. These procedures can be found in the *Missouri State Rulemaking Manual*, published by Administrative Rules. In addition, Administrative Rules has adopted the *United States Government Printing Office Style Manual* (GPO Style Manual) (which can be found at govinfo.gov/content/pkg/GPO-STYLEMANUAL-2016/pdf/GPO-STYLEMANUAL-2016.pdf) as the official style guide for the publishing of rules.

Additionally, the Office of the Secretary of State establishes a form which each state agency must use in compiling the fiscal note and declaration required by sections 536.200, 536.205, and 536.215, RSMo, which is available at sos.mo.gov/adrules/forms.

We are also given statutory authority to correct typographical errors or spelling errors in the publication of rules (see section 536.033, RSMo). We always communicate with the agency involved and seek your input regarding the suggested corrections for publication. You may communicate with us via email, telephone, fax, or in person, whichever you prefer. You will find our email address located at the front of this manual.

The Joint Committee on Administrative Rules also has separate authority relating to rulemaking that is specifically set out in the statutes. See section 536.028, RSMo.

Missouri Register

The *Missouri Register* is published by the secretary of state as required by section 536.015, RSMo. It is published online twice each month and organized in the format established by the secretary of state. The function of the *Missouri Register* is to encourage and solicit public participation in the rulemaking process. The *Missouri Register* is organized into the following sections:

Table of Contents—A list of agencies with rules in the current issue and the deadline dates for filing and publication in the *Missouri Register* and the *Code of State Regulations*.

Emergency Rules—Emergency rulemakings promulgated under the provisions of section 536.025, RSMo.

Executive Orders—All executive orders issued (by the governor) are published under the provisions of section 536.035.2., RSMo.

Proposed Rules—New rules, amended rules, or rescissions are published under the provisions of section 536.021, RSMo.

Orders of Rulemaking—Final versions of rules adopted, amended, rescinded, or withdrawn under the provisions of section 536.021, RSMo.

In Additions—Notices required to be published in the *Missouri Register*.

Rules Under Consideration—An agency may solicit comments on subject matter pursuant to section 536.026, RSMo.

Other Documents—This includes the Contractor Debarment List, Construction Transient List, and Corporate Dissolutions.

Rule Changes Since Update, Emergency Rule Table, Executive Orders Table, Register General Index—User guides which are updated each publication and are designed to assist users in finding rules that are in the process of rulemaking.

Free access to the Register is available on the Internet at:

sos.mo.gov/adrules/moreg/moreg

Missouri Code of State Regulations

The *Missouri Code of State Regulations* is the final product in the rulemaking process. It is also referred to as the *Code of State Regulations* or simply the *Code*.

Administrative Rules of the Office of the Secretary of State publishes the *Missouri Code of State Regulations*. The *Code* is published on the Internet. The *Code* is updated monthly and, although the total number of pages changes from month-to-month, it contains approximately eleven thousand (11,000) pages.

Rules, amendments, and rescissions are published in the *Code* only after completing the rulemaking process. Once a final order of rulemaking has been published in the *Missouri Register* that rulemaking is updated in *Code*.

Final orders that appear in both the first and middle of the month *Missouri Registers* are published in the *Code* on the last day of that same month. For example, all orders published in the March 1 and March 15 issues of the *Missouri Register* are published in the *Code of State Regulations* update on March 31. In most cases the rulemaking becomes effective thirty (30) days after it is published in the *Code* (see **Effective Dates** which follows).

Free access to the *Code* is available on the Internet at sos.mo.gov/adrules/csr/csr.

Missouri Code of State Regulations

Effective Dates

Normal Effective Date

A normal rulemaking is effective no sooner than thirty (30) days after it is published in the *Code*. For example, a rulemaking is published in the March 31 *Code* update. That rulemaking would be effective April 30 (March 31 + 30 days = April 30). Of course, not every rulemaking follows this rule; there are a few exceptions to the rule.

Later Effective Date

An agency promulgating rules could elect to have a later effective date. For example, if an agency wants its rulemaking to be effective on July 1, when the new fiscal year starts, they may make it effective July 1 if July 1 is at least thirty (30) days after publication of the *Code* update in which the rulemaking appears. Let's say the normal thirty- (30-) day effective date is June 30 for this order. Since July 1 is more than thirty (30) days after the publication date, the agency may give its rulemaking the later effective date. In this example, they could make the effective date any day after June 30 but could not make it before June 30.

Those Few Exceptions That Can Have Early Effective Dates

There are a few agencies that, through constitutional or statutory exceptions may have a rulemaking become effective earlier than thirty (30) days after the rulemaking has been published in the *Code*. In these cases, there are very specific exceptions for only certain types or parts of rules (see section 536.021.8., RSMo). These special effective dates are acknowledged and bolded in the order of rulemaking published in the *Missouri Register*.

Missouri Code of State Regulations

Indexes

Code Indexes

The *Code of State Regulations* contains four (4) different indexes. They can be found online at sos.mo.gov/adrules/csr/current/indexes/index.

Changed Rule Number Index

This index gives the original rule number of the rule, the number the rule was changed to, the effective date of the change, and the *Missouri Register* citation in which the rule was changed.

General Index

This index cites rules by agency headings, topics, and descriptions.

Revised Statutes of Missouri Cross-Referenced to *Code of State Regulations*—RSMo to CSR

This index lists statutes numerically that are referred to in the *Code* and cites each rule that refers to the statute.

Revised Statutes of Missouri Cited or Referred to in the *Code of State Regulations*—CSR to RSMo

This index lists rules numerically and the statutes that are referred to in each rule. This is the reverse of the index that is described above.

The Players in Rulemaking

- The Legislature passes statutes which give rulemaking authority to state agencies.
- State agencies promulgate rules based on statutory authority.
- Administrative Rules of the Office of the Secretary of State publishes both the *Missouri Register* and the *Code of State Regulations*. We assist state agencies and the public in understanding the rulemaking process.
- The Joint Committee on Administrative Rules (JCAR) monitors agency rulemakings to make sure that they do not exceed their statutory authority.

How are rules created?

Where do rules come from?

Rules can only be written if a statute authorizes a state agency to write a rule pertaining to a particular subject. There are a few rules that are authorized by the *Missouri Constitution*, but the vast majority of rules exist by statutory authority. *So how does a state agency promulgate a rule?*

How are rules created?

1. An agency writes a rule, based on authority from specific statutes in the *Missouri Revised Statutes*. Once the rule is written by the agency, the remaining required paperwork is compiled. The agency is then ready to file the rulemaking.
2. If an agency is part of the Executive Branch they must prefile with the governor's office to get a letter of approval prior to filing.
3. The next step to create a rule is to file a proposed rule with the Small Business Regulatory Fairness Board, if applicable, the Joint Committee on Administrative Rules (JCAR), and Administrative Rules of the Office of the Secretary of State by email **on the same day**.
4. According to the *Missouri Register* publication schedule, Administrative Rules publishes the proposed rule thirty to forty-five (30–45) days later in the *Missouri Register*. Whether the rulemaking is published at the first or the middle of each month in the *Register* is determined by the filing date of the rulemaking. The timeline calculator available at s1.sos.mo.gov/adrules/datecalc/ is a helpful tool for help with publishing dates.
5. Following publication, there must be a public comment and/or public hearing period that extends a minimum of thirty (30) days **after** the date of publication of the proposed rulemaking in the *Missouri Register*. **The agency** must act on the rulemaking within ninety (90) days following the close of public comment, or the agency may withdraw the rulemaking at anytime.
6. Once the public comment and/or public hearing period is closed, information from the comments and/or public hearing is compiled by the agency and the agency writes the final order of rulemaking for the proposed rulemaking.
7. A copy of the final order of rulemaking for the proposed rulemaking is next **filed** by the agency **only** with the Joint Committee on

How are rules created?

Administrative Rules at the Capitol and the Small Business Regulatory Fairness Board, if applicable by email. (This is required for all agencies, except in some instances for specific rulemakings from these specific departments: the Department of Conservation, the Department of Elementary and Secondary Education, and the Department of Labor and Industrial Relations Commission.)

8. The final order of rulemaking is retained by the Joint Committee on Administrative Rules for a thirty- (30-) day review period. Once the thirty- (30-) day review period is completed, the agency may then, and only then, file the final order of rulemaking packet they received back from JCAR with Administrative Rules by email for publication in the *Missouri Register*. However, the agency must file the order prior to ninety (90) days after the end of the comment period or the rulemaking will become void.
9. At the end of each month, the rules that are published as final orders of rulemaking in the *Missouri Register* are prepared in final form for publication in the update to the *Code of State Regulations* by Administrative Rules.
10. These rules become effective thirty (30) days after the publication date of the update to the *Code of State Regulations*. An agency, at their discretion, may choose a later date. Exceptions to these effective dates are set by statute.
11. Once a rule becomes effective, it has the force and effect of law.
12. Agencies must file a Statement of Actual Cost, if applicable, for public cost after the first full fiscal year.
13. Agencies may amend or rescind existing rules by going through the same process which is outlined in the above steps. However, an agency may only have one (1) rulemaking procedure in place at a time for each rule. The rulemaking must be ordered before it can begin the amendment process again.

Agency Responsibilities

Agency Rulemaking Policy

Any state agency that proposes rules must adopt rulemaking procedures (section 536.016, RSMo). These procedures should determine if a rule is necessary to carry out the purposes of the statute authorizing the rulemaking. This determination should include an assessment of the effectiveness and costs of the rulemaking both to private and public person(s) or entity(ies).

This policy and procedure is an internal (within your agency) document that each agency should permanently file with their rule-making copies.

Agency Responsibilities

Delegation of Authority

Just as your agency has a responsibility to adopt an internal rulemaking policy and keep the same on file within your office(s) (section 536.016, RSMo), you also have the responsibility to furnish our office with the proper delegation of authority, and applicable signatures, for rulemaking authority for your agency.

Please address a cover letter to Administrative Rules, stating to whom authority is delegated for ***all phases*** of rulemaking within your agency. A Delegation of Authority form is available online at sos.mo.gov/adrules/forms. This delegation of authority will extend from the cover letter to declaration, fiscal note(s), and actual final orders of rulemaking for all types of rules. The letter must also contain an exact verification of signature of the person to whom authority has been delegated. This should be emailed to rules@sos.mo.gov with Delegation in the subject line.

It is the responsibility of our office to allow ***only those persons*** to whom this authority has been delegated to file any stage of rulemaking. This policy is for the protection of your agency, as well as the Office of the Secretary of State, Administrative Rules.

Proposed Rulemaking

A proposed rulemaking is the first step in the rulemaking process. There are three (3) distinct types of proposed rulemakings—proposed rule, proposed amendment, and proposed rescission.

A proposed rule is used to address new issues or situations in an agency's area of expertise. A new rule may be necessary or desirable because of a change in the law or a change in circumstances. A proposed rule is, therefore, a new rule that an agency has under consideration for adoption and is subject to comments from the general public. The entire text of the proposed rule will be published in the *Missouri Register*. The rule does not become effective until all of the statutorily prescribed steps have been taken.

A proposed amendment is a change in an existing rule. The change may be necessary or desirable because of a change in the law or a change in circumstances. A proposed amendment indicates a change in a rule that is currently published in the *Code of State Regulations* and the proposed change is subject to comments from the general public. If the change occurs in a section of a rule, the entire section will be published. If the change occurs in a subsection of the rule, the entire section, subsection and all text indented under this subsection must be submitted for publication. All material to be deleted from the rule will be placed in brackets and *[italic]* typeface, and all new material in the rule will be printed in **bold** typeface. If the majority of the rule is being rewritten, it might be beneficial to rescind and readopt the rule. This allows for the rule to be completely rewritten, yet it retains the entire history of the rule in the Authority Section of the readopted rule. The amended rule does not become effective until all of the statutorily prescribed steps have been taken.

A proposed rescission is a repeal of an existing rule. The rescission may be necessary because the rule has become obsolete or there is a change in circumstances. A proposed rescission requires the publication of the rule number and title, the general subject of the rule, and the authority section. The text of the rule will not be published. The proposed rescission is subject to comments from the general public. The proposed rescission does not become effective until all of the statutorily prescribed steps have been taken.

A rule that is proposed for rescission and readopted under the same rule number allows for the rule to be completely rewritten, yet it retains the entire history of the rule in the Authority Section of the readopted rule.

The proposed rulemaking will be published in the *Missouri Register*.

This section is divided into three subsections—Proposed Rule, Proposed Amendment, and Proposed Rescission.

Proposed Rule

Step 1: Preparing for a proposed rule

- Determine the statutory authority
- Determine whether a rule is necessary (section 536.016, RSMo)
- Determine economic impact on small businesses (Executive Order 96-18, sections 536.300–536.328, RSMo, 4 CSR 262-1.010 and 4 CSR 262-1.020, and HB 191, 2009)
- Perform a takings analysis (section 536.017, RSMo)
- Determine the cost associated with the rule (sections 536.200 and 536.205, RSMo)
- Determine the rule number after consultation with Administrative Rules

Step 2: Parts of a proposed rule

- Header
- Rule Number and Title
- Purpose for Rule
- Text
- Forms (if applicable)
- Authority
- Cost Statements
- Notice of Comment and Public Hearing
- Fiscal Note(s) (if applicable)

Proposed Rule

Step 3: Drafting a proposed rule

Please use 11- or 12-point type.

Header. This is written in **bold** typeface and includes number and name of department, number and name of division, and number and name of chapter.

Type of rulemaking.

Number and title. This is written in **bold** typeface.

Write the *PURPOSE* statement. This statement gives a brief explanation of the rule. It is written in *italic* typeface.

PUBLISHER'S NOTE: This statement indicates that material has been incorporated by reference in the rule (see section (4) in the example). It is written in *italic* typeface.

A PUBLISHER'S NOTE is only needed if the rule contains incorporated by reference material.

Write the text of the rule.

Text is presented in the following format and indented by subdivisions:

Section (1)

Subsection (1)(A)

Paragraph (1)(A)1.

Subparagraph (1)(A)1.A.

Part (1)(A)1.A.(I)

Subpart (1)(A)1.A.(I)(a)

Item (1)(A)1.A.(I)(a)1.

Subitem (1)(A)1.A.(I)(a)1.a.

It may be difficult for the reader to follow a requirement that is buried deep in the subdivisions. Therefore, you may want to limit the number of subdivisions into which you divide your rule.

When using numbers, spell out the number followed by the number in numeric figures in parentheses. We refer to this as "doubling the number."

Example

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking

PROPOSED RULE

15 CSR 30-750.007 Filing Rules

PURPOSE: This rule explains how to file rules.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Rules may be filed any Monday through Friday from 8:00 a.m. to 5:00 p.m. except such days when state offices are closed, including—

- (A) Saturdays;
- (B) Sundays;
- (C) State holidays; and
- (D) Other days the state offices are closed.

(2) Rules should be filed electronically with Joint Committee of Administrative Rules (JCAR) at JTCAR@senate.mo.gov.

(3) Rules should be filed electronically with the Office of the Secretary of State, Administrative Rules, at rules@sos.mo.gov.

Proposed Rule

Example—continued

NOTE: If forms are published with the rule, the language “included herein” must appear in the text of the rule. The form will appear before the authority section.

NOTE: If forms are not published with the rule, the language “incorporated by reference” will be used. A Publisher’s Note will be printed with the rule and the forms must be available on a permanent basis at your agency.

NOTE: Reference material may be incorporated in the text of the rule by using the language “incorporated by reference.” A current copy of this material must be on file and permanently available with your own agency. The material is not discarded when the material is updated. Additionally, for all incorporated by reference material, it is required by 536.031.4., RSMo, that the publisher, publisher’s address, and the date of the publication be printed in the text of the rule. There must also be a statement which says “This rule does not incorporate any subsequent amendments or additions.” A Publisher’s Note will be printed with the rule.

(4) Agencies filing rules should include in their PDF packet all required paperwork which includes the following:

- (A) Transmittal sheet, included herein;
- (B) Cover letter;
- (C) Declaration; and
- (D) Fiscal note(s) (if applicable to rule).

(5) The procedures to be followed in writing and filing a rule are found in the *Missouri State Rulemaking Manual*, Revised 2021, which is incorporated by reference in this rule as published by the secretary of state and available at Administrative Rules, 600 W. Main St., Room 168, Jefferson City, Missouri. This rule does not incorporate any subsequent amendments or additions.

Proposed Rule

Example

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
---	----------------------------

Rule Number _____

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:
Content _____ Phone _____ FAX _____
Email address _____

Data Entry _____ Phone _____ FAX _____
Email address _____

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination
Effective Date for the Emergency _____

☐ Proposed Rulemaking __ Rule __ Amendment __ Rescission
☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration
☐ Request for Non-Substantive Change
☐ Statement of Actual Cost

☐ Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission
Effective Date for the Order _____

☐ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp
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(Example of form that is "included herein" with the rule)



Proposed Rule

Example—continued

AUTHORITY SECTION. This gives the most recent statutory cite for authority to promulgate the rule. It also gives the date the rule was filed.

PUBLIC COST (requires declaration). This states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

PRIVATE COST. This states the cost to any private entity. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

NOTICE TO SUBMIT COMMENTS is a statement that anyone may file a comment in support of or in opposition to the proposed rule at a specific location and within a specific time not less than thirty (30) days following the publication of the proposed rule in the *Missouri Register*. This statement gives the amount of time the public has to file comments regarding the proposed rule and the address to which the comments should be directed (section 536.021.2.(5), RSMo). If no hearing is to be held, a statement to that effect must be included (section 536.021.2.(6), RSMo).

NOTICE OF PUBLIC HEARING is a statement that gives the time and location of a hearing, if ordered.

NOTE: A hearing cannot be held less than thirty (30) days after publication of the notice of proposed rulemaking in the *Missouri Register* (see section 536.021.2.(6), RSMo).

AUTHORITY: section 536.023, RSMo 2016. Original rule filed Jan. 15, 2019.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions three thousand six hundred seventy-eight dollars (\$3,678) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with *agency name and address*. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

OR

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with *agency name and address*. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for *time, date, place, and address of hearing*.

Proposed Rule

Step 4: Preparing the rule packet for filing

A. Prepare rule transmittal sheet

- This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and who to contact with questions.
- This section describes the type of rulemaking action and dates necessary for filing.

Example

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
---	----------------------------

Rule Number _____

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule: _____
Content _____ Phone _____ FAX _____
Email address _____

Data Entry _____ Phone _____ FAX _____
Email address _____

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination
Effective Date for the Emergency _____

☐ Proposed Rulemaking __ Rule __ Amendment __ Rescission
☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration
☐ Request for Non-Substantive Change
☐ Statement of Actual Cost

☐ Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission
Effective Date for the Order _____

☐ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO
☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text: _____

Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp
---	------------

Proposed Rule

B. Prepare cover letter on agency letterhead

(Form available at sos.mo.gov/adrules/forms/)

Example

Address letter to the secretary of state.

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

List rule number and title (may include more than one (1) rule).

Re: *Rule Number and Title*

Certify that the attached are complete and accurate copies of the proposed rule.

Dear Secretary,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by *name of your department, board, or commission*.

State economic impact on small businesses.

The *name of your department, board, or commission* further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law.

State that a takings analysis has occurred.

The *name of your department, board, or commission* has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

State that the rulemaking complies with the provisions of sections 536.300–536.310, RSMo.

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules.

If there are any questions regarding the content of this proposed rulemaking, please contact:

Name
Address
Phone Number
Email

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

Proposed Rule

C. Prepare declaration (public cost)

Example

DECLARATION OF PUBLIC COST

Cost less than five hundred dollars (\$500)—state that the cost is less than five hundred dollars (\$500) in the aggregate to this agency, any other state agency, or political subdivision.

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the cost of proposed rule *insert rule number*, is less than five hundred dollars in the aggregate to this agency, any other agency of state government, or any political subdivision thereof.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Proposed Rule

Example

Declaration (public cost)

DECLARATION OF PUBLIC COST

Cost greater than five hundred dollars (\$500)—state that the cost is a reasonably accurate estimate.

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the proposed rule to *insert rule number* is a reasonably accurate estimate.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Proposed Rule

Example

D. Review proposed rule and all attached documents

E. Fiscal notes—Public and Private (forms available at sos.mo.gov/adrules/forms)

1. Prepare a public fiscal note when public cost is greater than five hundred dollars (\$500) (section 536.200, RSMo)

- Summary of fiscal impact
- Detailed estimated cost of compliance
- Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to make sure the numbers match.

FISCAL NOTE PUBLIC COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate

III. WORKSHEET

IV. ASSUMPTIONS

Proposed Rule

2. Prepare a private fiscal note when **private cost** is greater than five hundred dollars (\$500) (section 536.205, RSMo)

- Summary of fiscal impact—number and type of entities affected and the associated cost of the proposed rule
- Detailed estimated cost of compliance with the proposed rule
- Agency's assumptions, references, and methods of acquiring information that result in the conclusions contained in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to *make sure the numbers match*.

Example

FISCAL NOTE
PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:

III. WORKSHEET

IV. ASSUMPTIONS

Proposed Rule

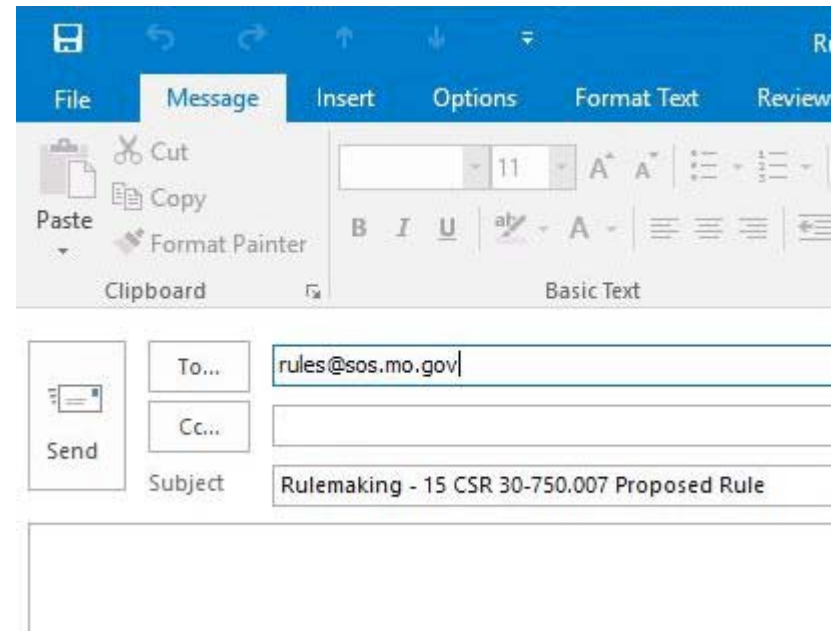
F. Prepare for filing any forms that have been “included herein” in the text of the rule.

G. Set aside a copy of all materials incorporated by reference to be maintained and accessible in your office for public inspection. (See section 536.031.4., RSMo)

H. Materials that are incorporated by reference must be available at your agency on a permanent basis. Please archive the materials even after a newer version is being used so that they may be used as historical data.

I. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject. Please use 11- or 12-point type for the rule text.

NOTE: If you are preparing multiple rules, please prepare a separate email attachment for each rulemaking.



Proposed Rule

Step 5: Final preparations

Assemble packet for each rule in the following order:

1. Rule Transmittal Sheet;
2. Letter from governor's office;
3. Cover letter for secretary of state;
4. Letter for JCAR;
5. Declaration;
6. Rule;
7. Fiscal note(s) (if applicable);
8. Forms ("included herein"); and
9. A properly formatted email attachment in Microsoft Word containing the proposed rule.

Make one (1) PDF packet for filing.

If there is a cost to small business, you will need a paper copy, which includes the small business impact statement, to file with the Small Business Regulatory Fairness Board (SBRFB). If filing a post public hearing small business statement with the SBRFB, you also need electronic and paper versions of that document. See 4 CSR 262-1.010 and 4 CSR 262-1.020.

Each rule is submitted as a separate filing and must include all of the above.

Step 6: Filing of rule

On the same day—

Make sure you have emailed an attachment to rules@sos.mo.gov **prior** to filing the rule at SOS containing the text of the proposed rule formatted in Microsoft Word; and

Email PDF packet to JCAR for filing at JTCAR@senate.mo.gov. JCAR will then forward a stamped copy to Administrative Rules, Office of the Secretary of State (SOS). Administrative Rules, SOS date stamp and send a copy of the stamped PDF packet back to the agency.

NOTE: Filings made later in the day may not receive their stamped PDF packet until the next business day.

Proposed Rule

Step 7: Statement of Actual Cost (section 536.200.2., RSMo)

After the first full fiscal year of implementation of the rule—

- Review the original public fiscal note for estimated cost greater than five hundred dollars (\$500) or declaration if the original cost was projected to be less than five hundred dollars (\$500).
- Determine the actual cost to all affected entities.
- If the actual cost is greater than ten percent (10%) of the estimated cost or has exceeded five hundred dollars (\$500), a STATEMENT OF ACTUAL COST must be published. This statement must include the original estimated cost, together with the actual cost, as determined by the agency.
- The statement must be published in the *Missouri Register* within ninety (90) days after the close of the first full fiscal year. If this statement is not published, the rulemaking will be void and of no further force or effect.

Example

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking

STATEMENT OF ACTUAL COST

15 CSR 30-750.003 Filing Requirements

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on January 2, 2014 (39 MoReg 14–15). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2016, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was two thousand four hundred fifty-six dollars (\$2,456) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was three thousand five hundred dollars (\$3,500).

Title 10—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking

STATEMENT OF ACTUAL COST

15 CSR 30-750.007 Filing Rules in Person

The original estimated public cost published for this rulemaking in the *Missouri Register* on January 2, 2014 (39 MoReg 16) was less than five hundred dollars (\$500). The cost to state agencies and political subdivisions has exceeded five hundred dollars (\$500). Therefore, pursuant to section 536.200.2, RSMo 2016, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was less than five hundred dollars (\$500) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was two thousand five hundred dollars (\$2,500).

Proposed Amendment

Step 1: Preparing for a proposed amendment

- Determine the statutory authority
- Determine whether the amendment is necessary (section 536.016, RSMo)
- Determine economic impact on small businesses (Executive Order 96-18, sections 536.300–536.328 and 1.310, RSMo, and 4 CSR 262-1.010 and 4 CSR 262-1.020)
- Perform a takings analysis (section 536.017, RSMo)
- Determine the cost associated with the amendment (sections 536.200 and 536.205, RSMo)
- Obtain a copy of the rule as it now appears in the *Code of State Regulations* from the Internet at sos.mo.gov/adrules/agency/

Step 2: Parts of a proposed amendment

- Header
- Rule Number and Title
- Purpose for Amendment
- Text
- Form(s) (if applicable)
- Authority
- Cost Statements
- Notice of Comment and Public Hearing
- Fiscal Note(s) (if applicable)

Proposed Amendment

Step 3: Drafting the text of a proposed amendment

Example

Please use 11- or 12-point type.

Header. This is written in **bold** typeface and includes number and name of department, number and name of division, and number and name of chapter.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking

Type of rulemaking.

PROPOSED AMENDMENT

Number and title. This is written in **bold** typeface.

15 CSR 30-750.003 Filing Requirements. The *your title here* is amending section (1), adding a new section (2), and deleting the forms which follow the rule in the *Code of State Regulations*.

Write a statement to follow the title stating what is being amended. If forms are to be deleted from the rule, a reference to the deleted material is included in this statement.

PURPOSE: This amendment replaces the number of copies of proposed rulemaking required to be filed with a PDF packet.

Write a *PURPOSE* statement giving the reasons for amending the rule. (This is different from the original *PURPOSE* of the rule that is found in the *Code*.) This is written in *italic* typeface.

Draft the text of the amendment.

(1) When filing any proposed rule, proposed amendment, **or** proposed rescission, *[emergency rule, emergency amendment, emergency rescission or emergency termination an original and three (3) copies]* a **complete PDF packet** will be required for filing **electronically**.

Material that is being deleted is to be placed in *[brackets]* and printed in *italic* typeface. The bracketed material precedes the new text.

NOTE: Only the section(s) and subsection(s) that are being amended need to be included in the proposed amendment. However, the entire subsection including all paragraphs, subparagraphs, etc., should be included. Do not include sections or subsections that are not being amended.

(2) When filing any emergency rule, emergency amendment, emergency rescission, or emergency termination, a **complete PDF packet** will be required for electronic filing.

New text is printed in **bold** typeface. This material comes after the deleted text.

NOTE: If a change occurs in a subsection, all text indented under that subsection must be included.

Proposed Amendment

NOTE: If forms are published with the rule, the language "included herein" must appear in the text of the rule and the form will appear before the authority section. For an example, see Proposed Rule.

NOTE: If forms are not published with the rule, the language "incorporated by reference" will be used. A Publisher's Note will be printed with the rule and the forms must be available on a permanent basis at your agency. For an example, see Proposed Rule.

NOTE: Reference material may be incorporated in the text of the rule by using the language "incorporated by reference." A current copy of this material must be on file and permanently available at your own agency. The material is not discarded when the material is updated. Additionally, for all incorporated by reference material, it is required by 536.031.4., RSMo, that the publisher, publisher's address, and the date of the publication be printed in the text of the rule. There must also be a statement which says "This rule does not incorporate any subsequent amendments or additions." A Publisher's Note will be printed with the rule.

AUTHORITY SECTION. This gives the most recent statutory cite for the authority to promulgate the rule. This section includes the history currently found in the *Code of State Regulations*, as well as the date the amendment was filed.

PUBLIC COST (requires declaration). This states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

PRIVATE COST. This states the cost to any private entity. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

Example—continued

*AUTHORITY: section 536.023, RSMo [Supp. 1998] 2016.
Original rule filed March 25, 1997, effective Sept. 30, 1997.
Amended: Filed Jan. 14, 2019.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

Proposed Amendment

Example—continued

NOTICE TO SUBMIT COMMENTS is a statement that anyone may file a comment in support of or in opposition to the proposed amendment at a specific location and within a specific time not less than thirty (30) days following the publication of the proposed amendment in the *Missouri Register*. This statement gives the amount of time the public has to file comments regarding the proposed amendment and the address to which the comments should be directed (section 536.021.2.(5), RSMo). If no hearing is to be held, a statement to that effect must be included (section 536.021.2.(6), RSMo).

NOTICE OF PUBLIC HEARING is a statement that gives the time and location of a hearing, if ordered.

NOTE: A hearing cannot be held less than thirty (30) days after publication of the notice of the proposed rulemaking in the *Missouri Register* (see section 536.021.2.(6), RSMo).

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with agency name and address. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

OR

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with agency name and address. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for time, date, place, and address of hearing.*

Proposed Amendment

Step 4: Preparing the rule packet for filing

A. Prepare rule transmittal sheet

- This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and who to contact with questions.
- This section describes the type of rulemaking action and dates necessary for filing.

Example

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
---	----------------------------

Rule Number _____

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:
Content _____ Phone _____ FAX _____
Email address _____

Data Entry _____ Phone _____ FAX _____
Email address _____

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination
Effective Date for the Emergency _____

☐ Proposed Rulemaking __ Rule __ Amendment __ Rescission

☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☐ Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission
Effective Date for the Order _____

☐ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp
---	------------

Proposed Amendment

B. Prepare cover letter on agency letterhead

(Form available at sos.mo.gov/adrules/forms/)

Example

Address letter to the secretary of state.

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

List rule number and title (may include more than one (1) rule).

Re: *Rule Number and Title*

Dear Secretary,

Certify that the attached are complete and accurate copies of the proposed amendment.

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by *name of your department, board, or commission*.

State economic impact on small businesses.

The *name of your department, board, or commission* further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law.

State that a takings analysis has occurred.

State that the rulemaking complies with the provisions of sections 536.300–536.310, RSMo.

The *name of your department, board, or commission* has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules.

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

If there are any questions regarding the content of this proposed rulemaking, please contact:

Name
Address
Phone Number
Email.

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

Proposed Amendment

C. Prepare declaration (public cost)

Example

DECLARATION OF PUBLIC COST

Cost less than five hundred dollars (\$500)—state that the cost is less than five hundred dollars (\$500) in the aggregate to this agency, any other state agency, or political subdivision.



I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the cost of proposed amendment *insert rule number*, is less than five hundred dollars in the aggregate to this agency, any other agency of state government, or any political subdivision thereof.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.



Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Proposed Amendment

Example

Declaration (public cost)

DECLARATION OF PUBLIC COST

Cost greater than five hundred dollars (\$500)—state that the cost is a reasonably accurate estimate.

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the proposed amendment to *insert rule number* is a reasonably accurate estimate.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Proposed Amendment

D. Review proposed amendment and all attached documents.

Example

E. Fiscal Notes—Public and Private (forms available at sos.mo.gov/adrules/forms)

**FISCAL NOTE
PUBLIC COST**

1. Prepare a public fiscal note when **public cost** is greater than five hundred dollars (\$500) (section 536.200, RSMo).

**I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Name:	
Type of Rulemaking:	

• Summary of fiscal impact

II. SUMMARY OF FISCAL IMPACT

• Detailed estimated cost of compliance with the proposed amendment

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate

• Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

III. WORKSHEET

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to *make sure the numbers match*.

IV. ASSUMPTIONS

Proposed Amendment

2. Prepare a private fiscal note when **private cost** is greater than five hundred dollars (\$500) (section 536.205, RSMo)

- Summary of fiscal impact—number and type of entities affected and the associated cost of the proposed amendment
- Detailed estimated cost of compliance with the proposed amendment
- Agency's assumptions, references, and methods of acquiring information that results in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to *make sure the numbers match*.

Example

FISCAL NOTE PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:

III. WORKSHEET

IV. ASSUMPTIONS

Proposed Amendment

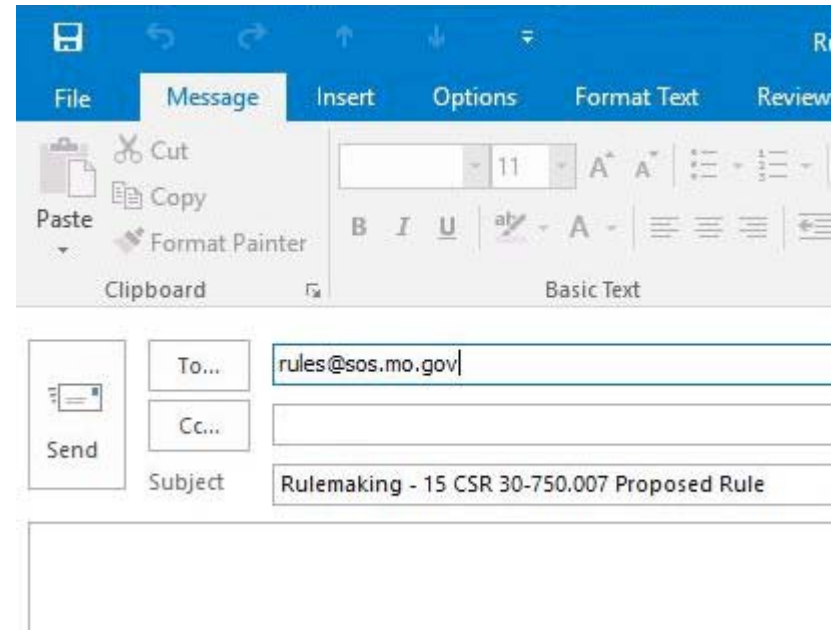
F. Prepare for filing any forms that have been "included herein" in the text of the rule.

G. Set aside a copy of all materials incorporated by reference to be maintained and accessible in your office for public inspection. (See section 536.031.4., RSMo)

H. Materials that are incorporated by reference must be available at your agency on a permanent basis. Please archive the materials even after a newer version is being used so that they may be used as historical data.

I. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject. Please use 11- or 12-point type for the rule text.

NOTE: If you are preparing multiple rulemakings, please prepare a separate email attachment for each rulemaking.



Proposed Amendment

Step 5: Final preparations

Assemble packet for each amendment in the following order:

1. Rule Transmittal sheet;
2. Letter from governor's office;
3. Cover letter for secretary of state;
4. Letter to JCAR;
5. Declaration;
6. Amendment (with bolds and brackets);
7. Fiscal note(s) (if applicable);
8. Forms ("included herein"); and
9. A properly formatted email attachment in Microsoft Word containing the proposed amendment.

Make one (1) PDF packet for filing.

If there is a cost to small business, you will need a paper copy, which includes the small business impact statement, to file with the Small Business Regulatory Fairness Board (SBRFB). If filing a post public hearing small business statement with the SBRFB, you also need electronic and paper versions of that document. See 4 CSR 262-1.010 and 4 CSR 262-1.020.

Each amendment is submitted as a separate filing and must include all of the above.

Step 6: Filing of rule

On the same day—

Make sure you have emailed an attachment to rules@sos.mo.gov **prior** to filing the amendment at SOS containing the text of proposed amendment formatted in Microsoft Word; and

Email PDF packet to JCAR for filing at JTCAR@senate.mo.gov. JCAR will then forward a stamped copy to Administrative Rules, Office of the Secretary of State (SOS). Administrative Rules, SOS date stamp and send a copy of the stamped PDF packet back to the agency.

Note: Filings made later in the day may not receive their stamped PDF packet until the next business day.

Proposed Amendment

Step 7: Statement of Actual Cost (section 536.200.2., RSMo)

After the first full fiscal year of implementation of the amendment—

- Review the original public fiscal note or declaration if the original cost was projected to be less than five hundred dollars (\$500).
- Determine the actual cost to all affected entities.
- If the actual public cost is greater than ten percent (10%) of the estimated cost or has exceeded five hundred dollars (\$500), a STATEMENT OF ACTUAL COST must be published. This statement must include the original estimated cost together with the actual cost as determined by the agency.
- The statement must be published in the *Missouri Register* within ninety (90) days after the close of the first full fiscal year. If this statement is not published, the rulemaking will be void and of no further force or effect.

Example

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking**

STATEMENT OF ACTUAL COST

15 CSR 30-750.003 Filing Requirements

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on January 2, 2013 (38 MoReg 15–16). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2016, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was two thousand four hundred fifty-six dollars (\$2,456) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was three thousand five hundred dollars (\$3,500).

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking**

STATEMENT OF ACTUAL COST

15 CSR 30-750.007 Filing Rules in Person

The original estimated public cost published for this rulemaking in the *Missouri Register* on January 2, 2013 (38 MoReg 17) was less than five hundred dollars (\$500). The cost to state agencies and political subdivisions has exceeded five hundred dollars (\$500). Therefore, pursuant to section 536.200.2, RSMo 2016, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was less than five hundred dollars (\$500) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was two thousand five hundred dollars (\$2,500).

Proposed Rescission

Step 1: Preparing for a proposed rescission

- Determine the statutory authority
- Determine if the rescission is necessary (section 536.016, RSMo)
- Determine economic impact on small businesses (Executive Order 96-18, sections 536.300–536.328 and 1.310, RSMo, and 4 CSR 262-1.010 and 4 CSR 262-1.020)
- Perform a takings analysis (section 536.017, RSMo)
- Determine the cost associated with the rescission (sections 536.200 and 536.205, RSMo)
- Obtain a copy of the rule as it now appears in the *Code of State Regulations* from the Internet at sos.mo.gov/adrules/agency/

Step 2: Parts of a proposed rescission

- Header
- Rule Number and Title
- Purpose for Rescission
- Authority
- Cost Statements
- Notice of Comment and Public Hearing
- Fiscal Note(s) (if applicable)

Proposed Rescission

Step 3: Drafting a proposed rescission

Please use 11- or 12-point type.

Example

Header. This is written in **bold** typeface and includes number and name of department, number and name of division, and number and name of chapter.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking**

Type of rulemaking.

PROPOSED RESCISSION

Number and title. This is written in **bold** typeface.

15 CSR 30-750.005 Filing Rules by ATMS. This rule provided for the formatting procedure to follow when filing a rule.

Write a statement to follow the title stating **in past tense** the original purpose of the rule.

PURPOSE: This rule is being rescinded as ATMS no longer exists.

Write a *PURPOSE* statement giving the reason for rescinding the rule. (This is different from the original *PURPOSE* of the rule that is found in the *Code*.) This is written in *italic* typeface.

AUTHORITY: section 536.023, RSMo 1984. Original rule filed July 15, 1976, effective July 25, 1976. Amended: Filed Aug. 1, 1982, effective Dec. 4, 1982. Amended: Filed Jan. 16, 1985, effective July 30, 1985. Emergency rescission filed May 14, 2008, effective May 24, 2008, expires Nov. 19, 2008. Rescinded: Filed May 14, 2019.

AUTHORITY SECTION. This will include the complete history that is currently found in the *Code of State Regulations* as well as the current date of filing.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PUBLIC COST (requires declaration). This states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST. This states the cost to any private entity. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

Proposed Rescission

Example—continued

NOTICE TO SUBMIT COMMENTS is a statement that anyone may file a comment in support of or in opposition to the proposed rescission at a specific location and within a specific time not less than thirty (30) days following the publication of the proposed rescission in the *Missouri Register*. This statement gives the amount of time the public has to file comments regarding the proposed rescission and the address to which the comments should be directed (section 536.021.2.(5), RSMo). If no hearing is to be held, a statement to that effect must be included (section 536.021.2.(6), RSMo).

NOTICE OF PUBLIC HEARING is a statement that gives the time and location of a hearing, if ordered.

NOTE: A hearing cannot be held less than thirty (30) days after publication of the notice of proposed rulemaking in the *Missouri Register* (see section 536.021.2.(6), RSMo).

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with agency name and address. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

OR

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with agency name and address. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for time, place, and address of hearing.

Proposed Rescission

Example

Step 4: Preparing the rule packet for filing

Prepare rule transmittal sheet

A. This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and who to contact with questions.

B. This section describes the type of rulemaking action and dates necessary for filing.

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
Rule Number _____	
Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.	
Name of person to call with questions about this rule: Content _____ Phone _____ FAX _____ Email address _____	
Data Entry _____ Phone _____ FAX _____ Email address _____	
Interagency mailing address _____	
TYPE OF RULEMAKING ACTION TO BE TAKEN <input type="checkbox"/> Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination Effective Date for the Emergency _____ <input type="checkbox"/> Proposed Rulemaking __ Rule __ Amendment __ Rescission <input type="checkbox"/> Rule Action Notice <input type="checkbox"/> In Addition <input type="checkbox"/> Rule Under Consideration <input type="checkbox"/> Request for Non-Substantive Change <input type="checkbox"/> Statement of Actual Cost <input type="checkbox"/> Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission Effective Date for the Order _____ <input type="checkbox"/> Statutory 30 days OR Specific date _____ Does the Order of Rulemaking contain changes to the rule text? <input type="checkbox"/> NO <input type="checkbox"/> YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text: _____ _____	
Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp

Proposed Rescission

Example

B. Prepare cover letter on agency letterhead

(Form available at sos.mo.gov/adrules/forms/)

Address letter to the secretary of state.

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

List rule number and title (may include more than one (1) rule).

Re: *Rule Number and Title*

Dear Secretary,

CERTIFICATION OF ADMINISTRATIVE RULE

Certify that the attached are complete and accurate copies of the proposed rescission.

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by *name of your department, board, or commission*.

State economic impact on small businesses.

The *name of your department, board, or commission* further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law.

State that a takings analysis has occurred.

The *name of your department, board, or commission* has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

State that the rulemaking complies with the provisions of sections 536.300–536.310, RSMo.

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

Authorized signature of the department director, or his/her designee, which is on file in the Office of the Secretary of State, Administrative Rules.

If there are any questions regarding the content of this proposed rulemaking, please contact:

Name
Address
Phone Number
Email.

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

Proposed Rescission

C. Prepare declaration (public cost)

Example

DECLARATION OF PUBLIC COST

Cost less than five hundred dollars (\$500)—state that the cost is less than five hundred dollars (\$500) in the aggregate to this agency, any other state agency or political subdivision.

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the cost of proposed rescission *insert rule number*, is less than five hundred dollars in the aggregate to this agency, any other agency of state government, or any political subdivision thereof.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Proposed Rescission

Example

Declaration (public cost)

DECLARATION OF PUBLIC COST

Cost greater than five hundred dollars (\$500)—state that the cost is a reasonably accurate estimate.

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the proposed rescission to *insert rule number* is a reasonably accurate estimate.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Proposed Rescission

D. Review proposed rescission and all attached documents

Example

**FISCAL NOTE
PUBLIC COST**

E. Fiscal Notes—Public and Private (forms available at sos.mo.gov/adrules/forms)

1. Prepare a public fiscal note when **public cost** is greater than five hundred dollars (\$500) (section 536.200, RSMo).

- Summary of fiscal impact
- Detailed estimated cost of compliance with the proposed rescission
- Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to *make sure the numbers match*.

**I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate

III. WORKSHEET

IV. ASSUMPTIONS

Proposed Rescission

2. Prepare a private fiscal note when **private cost** is greater than five hundred dollars (\$500) (section 536.205, RSMo)

- Summary of fiscal impact—number and type of entities affected and the associated cost of the proposed rescission
- Detailed estimated cost of compliance with the proposed rescission
- Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to *make sure the numbers match*.

F. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject. Please use 11- or 12-point type and print on only one (1) side of the paper for the rule text.

NOTE: If you are preparing multiple rulemakings, please prepare a separate email attachment for each rulemaking.

Example

**FISCAL NOTE
PRIVATE COST**

**I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Title:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:

III. WORKSHEET

IV. ASSUMPTIONS

Proposed Rescission

Step 5: Final preparations

Assemble packet for each rescission in the following order:

1. Rule transmittal sheet;
2. Letter from the governor's office;
3. Cover letter for secretary of state;
4. Letter to JCAR;
5. Declaration;
6. Rescission;
7. Fiscal note(s) (if applicable); and
8. Prepare email attachment formatted in Microsoft Word containing the text of the proposed rescission.

Make one (1) PDF packet for filing.

If there is a cost to small business, you will need a paper copy, which includes the small business impact statement, to file with the Small Business Regulatory Fairness Board (SBRFB). If filing a post public hearing small business statement with the SBRFB, you also need electronic and paper versions of that document. See 4 CSR 262-1.010 and 4 CSR 262-1.020.

Each rule is submitted as a separate filing and must include all of the above.

Step 6: Filing of rule

On the same day—

Make sure you have emailed an attachment to rules@sos.mo.gov **prior** to filing the rescission at SOS formatted in Microsoft Word, containing the proposed rescission; and

Email PDF packet to JCAR for filing at JTCAR@senate.mo.gov. JCAR will then forward a stamped copy to Administrative Rules, Office of the Secretary of State (SOS). Administrative Rules, SOS date stamp and send a copy of the stamped PDF packet back to the agency.

Note: Filings made later in the day may not receive their stamped PDF packet until the next business day.

Orders of Rulemaking

A final order of rulemaking is the last step to getting a proposed rulemaking into the *Code of State Regulations* and thus getting the proposed rulemaking effective. After a final order of rulemaking is filed with Administrative Rules, it is published in the *Missouri Register*, then, at the end of the same month in which it was published in the *Missouri Register*, it is published in the *Code of State Regulations*. Unless a different effective date is selected, the rulemaking becomes effective thirty (30) days *after* its publication in the *Code*.

In this section the user will be shown how to work through the six (6) basic types of final orders of rulemaking.

The six (6) basic types of final orders of rulemaking are—

Final order of rulemaking for a proposed rule with no changes;

Final order of rulemaking for a proposed rule with changes;

Final order of rulemaking for a proposed amendment with no changes;

Final order of rulemaking for a proposed amendment with changes;

Final order of rulemaking for a proposed rescission; and

Final order of rulemaking for a withdrawal.

There is one (1) other type of final order of rulemaking that is used by only a few state agencies in a few specific instances. These orders of rulemaking deal with orders of rulemaking that *do not* require a proposed rulemaking to go through the normal rulemaking procedure. This exception is defined in section 536.021.1., RSMo. As this type of rulemaking only affects a few agencies and a select few of their rules, this type of order is not covered in the rulemaking manual. Agencies that need assistance on this type of order may contact Administrative Rules staff directly.

Final Order for a Proposed Rule—No Changes

Contents of the final order of rulemaking.

Example

Step 1. Header, centered, contains the—

Title number—NAME OF DEPARTMENT

Division number—Name of Division

Chapter number—Name of Chapter

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 750—Painless Rulemaking

ORDER OF RULEMAKING

Step 2. Type of rulemaking, centered

Step 3.

- Statement to whom authority is given
- Statutory cite of authority
- Statement of action taken on the proposed rule

By the authority vested in the *your division name* under section *your statute for rulemaking authority*, RSMo 2016, the *your division name* adopts a rule as follows:

15 CSR 30-750.007 Filing Rules in Person **is adopted.**

Step 4.

- Rule number and action taken in **bold** typeface; rule title in non-bold font.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2019 (44 MoReg 177–179). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

Step 5. Explanation of—

- The proposed rule publication date in the *Missouri Register* and page number where located.
- No changes to the text of the proposed rule.
- When the proposed rule becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after that update of the *Code* is published, the rulemaking becomes effective.

Final Order for a Proposed Rule—No Changes

Example

Step 6. SUMMARY OF COMMENTS AND RESPONSES.

- **If comments were received** concerning the proposed rulemaking, write a brief statement summarizing the comments.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.

- **Individual comments** are printed with a **response** to the comment. Similar comments may be summarized in one (1) comment.

- When responding to a comment, refer the reader to the appropriate citation rather than including quoted statutes or quoted sections of the rule.

- If there are more than two (2) comments, please number the comments. For example: COMMENT #2.

OR

- **If no comments were received** concerning the proposed rulemaking, a brief statement is made to that effect.

SUMMARY OF COMMENTS: The *your division* received one (1) comment on the proposed rule.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held March 7, 2013, and the public comment period ended March 17, 2013. At the public hearing Administrative Rules staff explained the proposed rule and one (1) comment was made.

FOLLOWED BY

COMMENT: John Q. Hathaway, with the Division of Paper Only, requested that we go back to paper filings and avoid filing electronically.

RESPONSE: At this time our office does not plan to go back to paper filings. No changes have been made to the rule as a result of this comment.

OR

SUMMARY OF COMMENTS: No comments were received.

Final Order for a Proposed Rule—No Changes

Step 7.

Paperwork Needed to File a Final Order and What You Do With It—

1. Fill out the rule transmittal sheet.

A. This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions.

B. This section describes the type of rulemaking action.

C. If you have a specific effective date for your rule, insert that date here.

NOTE: This specific effective date must be later than the statutory thirty- (30-) day requirement.

NOTE: For final orders please make sure that all parts of the rule transmittal sheet are filled out which ask specific questions concerning the rulemaking. For a final order with no changes simply mark the "No" box.

Example

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
---	-----------------------------------

Rule Number _____

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:
Content _____ Phone _____ FAX _____
Email address _____

Data Entry _____ Phone _____ FAX _____
Email address _____

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination
Effective Date for the Emergency _____

☐ Proposed Rulemaking __ Rule __ Amendment __ Rescission
☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration
☐ Request for Non-Substantive Change
☐ Statement of Actual Cost
☒ Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission
Effective Date for the Order _____
☐ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO
☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp
---	-------------------

Final Order for a Proposed Rule—No Changes

2. Certification letter or cover letter on agency letterhead—
This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. The director of the department or his/her designee or in the case of a Type III transfer agency an individual with a signature on file with the secretary of state must sign this letter.

Example

Address one (1) original letter to the secretary of state

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, MO 65101
rules@sos.mo.gov

Dear Secretary,

Re: *Rule Number and Title*

List rule number and title

CERTIFICATION OF ADMINISTRATIVE RULE

Certify that the attached are complete and accurate copies of the final order of rulemaking

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by *name of your department, board, or commission*.

Statutory Authority: section(s) _____
your agency's statute(s) for rulemaking

If there are any questions regarding the content of this order of rulemaking, please contact:

Name

Address

Phone Number

Email

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules Division

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

3. Order of rulemaking.

Final Order for a Proposed Rule—No Changes

Now that you have the paperwork—

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. JCAR will send stamped PDF packet back to your agency.
4. *Wait for thirty (30) days*, then email JCAR stamped PDF packet to rules@sos.mo.gov.
5. Now you can relax and wait for the rulemaking to become effective.

Final Order for a Proposed Rule—With Changes

Contents of the final order of rulemaking.

Example

Step 1. Header, centered, contains the—

Title number—NAME OF DEPARTMENT	→	Title 15—ELECTED OFFICIALS
Division number—Name of Division	→	Division 30—Secretary of State
Chapter number—Name of Chapter	→	Chapter 750—Painless Rulemaking

Step 2. Type of rulemaking, centered → **ORDER OF RULEMAKING**

Step 3.

- Statement to whom authority is given → By the authority vested in the *your division name* under section
- Statutory cite of authority → *your statute for rulemaking authority*, RSMo 2016, the *your division name* adopts a rule as follows:
- Statement of action taken on the proposed rule →

15 CSR 30-750.001 is adopted.

Step 4.

- Rule number and action taken in regular typeface.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2019 (44 MoReg 175–176). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

Step 5. Explanation of—

- The proposed rule publication date in the *Missouri Register* and page number where located.
- Statement that there are changes to the proposed rule.
- When the proposed rule becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after that update of the *Code* is published, the rulemaking becomes effective.

Final Order for a Proposed Rule—With Changes

Example—continued

Step 6. SUMMARY OF COMMENTS, RESPONSES, AND EXPLANATION OF CHANGE.

- **When comments are received** concerning the proposed rulemaking, include a brief statement summarizing the comments.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.
- Individual comments are printed with a **response** to the comment. Similar comments may be summarized in one (1) comment.
- When responding to a comment, refer the reader to the appropriate citation rather than including quoted statutes or quoted sections of the rule.
- If there are more than two (2) comments, please number the comments. For example: COMMENT #2.
- When a comment results in a change, a **response and explanation of change** should follow the comment explaining the change that will be made.

SUMMARY OF COMMENTS: The *your division* received four (4) comments on the proposed rule.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held March 7, 2013, and the public comment period ended March 17, 2013. At the public hearing, Administrative Rules staff explained the new rule and four (4) comments were made.

FOLLOWED BY

COMMENT #1: John Q. Hathaway, with the Division of Paper Only; Louise Marise, with Logic of Paper; Tom Lincoln, Ancestors Anonymous; and Jay Jeffs, Local Lobby, all requested that we go back to paper filings and avoid filing electronically.

RESPONSE: At this time our office does not plan to go back to paper filings. No changes have been made to the rule as a result of this comment.

COMMENT #2: Louise Marise, with the Division of Logic, noted that sections (7) and (8) cross-reference each other without giving us a true definition of rule or regulation.

RESPONSE AND EXPLANATION OF CHANGE: Section (8) will be changed to give a definition of rule. Section (7) will be left as is because there is no difference between a rule and regulation.

COMMENT #3: James Johnson, with the Coalition of the Month Club, requested that the publication date be redefined as the day that a subscriber finds the publication online.

RESPONSE AND EXPLANATION OF CHANGE: The publication date must remain as is. However, in order to make the publication dates more understood, language will be added to section (6) stating that future publication dates will be published online.

COMMENT #4: Louise Marise, with the Division of Logic, was confused by the language in section (9).

RESPONSE AND EXPLANATION OF CHANGE: Staff agrees that section (9) is confusing and it will be removed from the rule.

Final Order for a Proposed Rule—With Changes

Step 7. Those sections with changes are printed now.

Example continued

- The title of the rule in **bold** typeface.
- Include each section or subsection that has been changed since the proposed rule was published in the *Missouri Register*. This is written just as it will appear in the *Code* **without** bold typeface or brackets to show the changes.

NOTE: All text indented under the subsection must be submitted with your order.

ADDITIONAL NOTE: Normally, definitions in rules are done in alphabetical order.

Step 8. Revised fiscal note. If there was a fiscal note with the proposed rulemaking and changes are necessary, the statement and fiscal note appear at the end of the final order of rulemaking.

15 CSR 30-750.001 Definitions Covering Both Painless and Painful Rulemaking

(6) Publication date—the date on which the *Missouri Register* or *Code of State Regulations* is published. These dates may be found on the Internet at sos.mo.gov/adrules/pubsched.

(8) Rule—as defined in section 536.010(4), RSMo—is each agency statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure, or practice requirements of any agency. This includes amendments or rescissions of existing rules. There are several exemptions to this definition and they are spelled out in section 536.010(6), RSMo.

REVISED PUBLIC COST: The cost to the department may range from zero to seven hundred forty-nine dollars (\$0–\$749) versus the less than five hundred dollars (\$500), which was submitted in the original estimate.

Final Order for a Proposed Rule—With Changes

Step 9.

Paperwork Needed to File a Final Order and What You Do With It—

1. Fill out the rule transmittal sheet.

A. This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions.

B. This section describes the type of rulemaking action.

C. If you have a specific effective date for your rule, insert that date.

NOTE: This specific date must be later than the statutory thirty- (30-) day requirement.

D. For final orders, please make sure that all parts of the transmittal sheet are filled out. This section asks specific questions concerning the rulemaking. If more space is needed, attach a separate sheet.

Example

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
---	----------------------------

Rule Number _____

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:
Content _____ Phone _____ FAX _____
Email address _____

Data Entry _____ Phone _____ FAX _____
Email address _____

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN
☐ Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination
Effective Date for the Emergency _____
☐ Proposed Rulemaking __ Rule __ Amendment __ Rescission
☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration
☐ Request for Non-Substantive Change
☐ Statement of Actual Cost
☐ Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission
Effective Date for the Order _____
☐ Statutory 30 days OR Specific date _____
Does the Order of Rulemaking contain changes to the rule text? ☐ NO
☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp
---	------------

Final Order for a Proposed Rule—With Changes

2. Certification letter or cover letter on agency letterhead—
This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

Address one (1) original letter to the secretary of state

List rule number and title

Certify that the attached are complete and accurate copies of the final order of rulemaking

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules

Example

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, MO 65101
rules@sos.mo.gov

Dear Secretary,

Re: *Rule Number and Title*

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by *name of your department, board, or commission*.

Statutory Authority: section(s) _____
your agency's statute(s) for rulemaking

If there are any questions regarding the content of this order of rulemaking, please contact:

Name

Address

Phone Number

Email

Signature of proper authority

Name and title of proper authority

Name of department, board, or commission

Final Order for a Proposed Rule—With Changes

3. Order of rulemaking.

4. If you have a revised public fiscal note, you must also have a declaration signed by the person with rulemaking authority. Signature must be on file in the Office of the Secretary of State.

NOTE: If you have a revised private fiscal note, no declaration is required.

Example

DECLARATION OF PUBLIC COST

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the order of rulemaking to *insert rule number* is a reasonably accurate estimate.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Final Order for a Proposed Rule—With Changes

The revised fiscal note.

Example

REVISED FISCAL NOTE
PUBLIC COST

- I. Department Title:
Division Title:
Chapter Title:

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate

III. WORKSHEET

IV. ASSUMPTIONS

Final Order for a Proposed Rule—With Changes

Now that you have the paperwork—

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. JCAR will send stamped PDF packet back to your agency.
4. *Wait for thirty (30) days*, then email JCAR stamped PDF packet to rules@sos.mo.gov.
5. Now you can relax and wait for the rulemaking to become effective.

Final Order for a Proposed Amendment—No Changes

Contents of the final order of rulemaking.

Example

Step 1. Header, centered, contains the—

Title number—NAME OF DEPARTMENT
Division number—Name of Division
Chapter number—Name of Chapter

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking

ORDER OF RULEMAKING

Step 2. Type of rulemaking, centered

Step 3.

- Statement to whom authority is given
- Statutory cite of authority
- Statement of action taken on the proposed amendment.

By the authority vested in the *your division name* under section *your statute for rulemaking authority*, RSMo 2016, the *your division name* amends a rule as follows:

15 CSR 30-750.003 Filing Requirements is amended.

Step 4.

- Rule number and action taken in **bold** typeface; rule title in non-bold font.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2019 (44 MoReg 176). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

Step 5. Explanation of—

- The publication date of the proposed amendment in the *Missouri Register* and page number where located.
- No changes to the text of the proposed amendment.
- When the proposed amendment becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after that update of the *Code* is published, the rulemaking becomes effective.

Final Order for a Proposed Amendment—No Changes

Step 6. SUMMARY OF COMMENTS AND RESPONSES.

- If **comments are received** concerning the proposed rulemaking, include a brief statement summarizing the comments.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.
- Individual comments are printed with a **response** to the comment. Similar comments may be summarized in one (1) comment.
- When responding to a comment, refer the reader to the appropriate citation rather than including quoted statutes or quoted sections of the rule.
- If there are more than two (2) comments, please number the comments. For Example: COMMENT #2.
- If **no comments were received** concerning the proposed rulemaking, a brief statement is made to that effect.

Example—Continued

SUMMARY OF COMMENTS: The *your division* received two (2) comments on the proposed amendment.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held March 7, 2014, and the public comment period ended March 17, 2014. At the public hearing, the Administrative Rules staff explained the proposed amendment and two (2) comments were made.

FOLLOWED BY

COMMENT #1: John J. Johnson, with the Division of Unplanned Emergencies, requested that we make emergency rules effective for one (1) full year.

RESPONSE: This request is outside of the purview of the amendment change and therefore cannot be addressed at this point. Additionally, the length of emergency rules is set by statute and, therefore, beyond our control. No changes have been made to the rule as a result of this comment.

COMMENT #2: Mary Agnes, with the Coalition for Kill the Trees & Paper Only League, requested that we immediately stop accepting all electronic filings on all rulemakings and only file paper in person.

RESPONSE: Currently all filing is being done electronically. We have no wish to go back in time. No changes have been made to the rule as a result of this comment.

OR

SUMMARY OF COMMENTS: No comments were received.

Final Order for a Proposed Amendment—No Changes

Step 7.

Paperwork Needed to File a Final Order and What You Do With It—

1. Fill out the rule transmittal sheet.

A. This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions.

B. This section describes the type of rulemaking action.

C. If you have a specific effective date for your rule, insert that date here.

NOTE: This specific effective date must be later than the statutory thirty- (30-) day requirement.

NOTE: For final orders, please make sure that all parts of the rule transmittal sheet are filled out. This page asks specific questions concerning the rulemaking. For a final order with no changes, simply check the "No" box.

Example

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
<p>Rule Number _____</p> <p>Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.</p> <p>Name of person to call with questions about this rule: Content _____ Phone _____ FAX _____ Email address _____</p> <p>Data Entry _____ Phone _____ FAX _____ Email address _____</p> <p>Interagency mailing address _____</p> <p>TYPE OF RULEMAKING ACTION TO BE TAKEN</p> <p><input type="checkbox"/> Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination Effective Date for the Emergency _____</p> <p><input type="checkbox"/> Proposed Rulemaking __ Rule __ Amendment __ Rescission <input type="checkbox"/> Rule Action Notice <input type="checkbox"/> In Addition <input type="checkbox"/> Rule Under Consideration <input type="checkbox"/> Request for Non-Substantive Change <input type="checkbox"/> Statement of Actual Cost <input checked="" type="checkbox"/> Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission Effective Date for the Order _____ <input type="checkbox"/> Statutory 30 days OR Specific date _____</p> <p>Does the Order of Rulemaking contain changes to the rule text? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text: _____ _____</p>	
Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp

Final Order for a Proposed Amendment—No Changes

2. Certification letter or cover letter on agency letterhead—
This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. The director of the department or his/her designee or in the case of a Type III transfer agency an individual with a signature on file with the secretary of state must sign this letter.

Example

Address one (1) original letter to the secretary of state

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, MO 65101
rules@sos.mo.gov

Dear Secretary,

Re: *Rule Number and Title*

List rule number and title

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by *name of your department, board, or commission*.

Certify that the attached are complete and accurate copies of the final order of rulemaking

Statutory Authority: section(s) _____
your agency's statute(s) for rulemaking

Authorized signature of the department director or his/her designee, which is on file in the Office of the Secretary of State, Administrative Rules

If there are any questions regarding the content of this order of rulemaking, please contact:

Name

Address

Phone Number

Email

3. Order of rulemaking.

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

Final Order for a Proposed Amendment—No Changes

Now that you have the paperwork—

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. JCAR will send stamped PDF packet back to your agency.
4. *Wait for thirty (30) days*, then email JCAR stamped PDF packet to rules@sos.mo.gov.
5. Now you can relax and wait for the rulemaking to become effective.

Final Order for a Proposed Amendment—With Changes

Contents of the final order of rulemaking.

Example

Step 1. Header, centered, contains the—

Title number—NAME OF DEPARTMENT	→	Title 15—ELECTED OFFICIALS
Division number—Name of Division	→	Division 30—Secretary of State
Chapter number—Name of Chapter	→	Chapter 750—Painless Rulemaking

Step 2. Type of rulemaking, centered → **ORDER OF RULEMAKING**

Step 3.

- Statement to whom authority is given → By the authority vested in the *your division name* under section
- Statutory cite of authority → *your statute for rulemaking authority*, RSMo 2016, the *your division name*
- Statement of action taken on the proposed amendment → amends a rule as follows:

Step 4.

- Rule number and actions taken in regular typeface. → 15 CSR 30-750.004 is amended.

Step 5. Explanation of—

- The proposed amendment publication date in the *Missouri Register* and page number where located. → January 15, 2019 (44 MoReg 176–177)
- Statement that there are changes to the proposed amendment. → Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.
- When the proposed amendment becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after the update of the *Code* is published, the rulemaking becomes effective.

Final Order for a Proposed Amendment—With Changes

Step 6. SUMMARY OF COMMENTS, RESPONSES, AND EXPLANATION OF CHANGE.

- **When comments are received** concerning the proposed rulemaking, a brief statement summarizing the comments should be provided.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.
- Individual comments are printed with a **response** to the comment. Similar comments may be summarized in one (1) comment.
- When responding to a comment, refer the reader to the appropriate citation rather than including quoted statutes or quoted sections of the rule.
- If there are more than two (2) comments, please number the comments. For example: COMMENT #2.
- When a comment results in a change, a **response and explanation of change** should follow the comment explaining the change that will be made.

Example—continued

SUMMARY OF COMMENTS: The *your division* received three (3) comments on the proposed amendment.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held March 7, 2019, and the public comment period ended March 17, 2019. At the public hearing, the Administrative Rules staff explained the proposed amendment and three (3) comments were made.

FOLLOWED BY

COMMENT #1: James Johnson, with the Coalition of the Month Club, requested that the effective date be made forty-five (45) days after publication in the *Code* rather than thirty (30) days after publication.

RESPONSE: The effective date is set by statute and cannot be changed without changes to the statutes.

COMMENT #2: Louise Marise, with the Division of Logic, noted that section (3) does not state that agencies can put the effective date to be later than thirty (30) days after publication if they so desire. She believes that this should be spelled out in the rule.

RESPONSE AND EXPLANATION OF CHANGE: Section (3) will be changed to add that an agency may make the effective date later than thirty (30) days after publication, if they so choose.

COMMENT #3: James Johnson questioned the need for new section (5).

RESPONSE AND EXPLANATION OF CHANGE: The staff concurs and has deleted section (5) from the rule.

Final Order for a Proposed Amendment—With Changes

Example—continued

Step 7. Those sections with changes are printed now.

- Print rule number and title in **bold** typeface.

15 CSR 30-750.004 Effective Date of Rulemaking

- Include each section or subsection that has been changed since the proposed amendment was published in the *Missouri Register*. This is written just as it will appear in the *Code* without **bold** typeface or brackets to show the changes.

(3) A final order of rulemaking will be effective thirty (30) days after it is published in the *Code of State Regulations*. An agency may choose to make the rulemaking effective at a date later than thirty (30) days after publication in the *Code of State Regulations*.

NOTE: All text indicated under the subsection must be submitted with your order.

REVISED PUBLIC COST: The cost to the department may range from zero to eight hundred fifty dollars (\$0–\$850) versus the less than five hundred dollars (\$500), which was submitted with the original proposal.

Step 8. Revised fiscal note. If there was a fiscal note with the proposed rulemaking and changes are necessary, the statement and fiscal note appear at the end of the final order of rulemaking.

Final Order for a Proposed Amendment—With Changes

Step 9.

Paperwork Needed to File a Final Order and What You Do With It—

1. Fill out the rule transmittal sheet.

A. This section gives information to the Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions.

B. This section describes the type of rulemaking action.

C. If you have a specific date when your rule needs to be effective, insert that date.

NOTE: This specific date must be later than the statutory thirty- (30-) day requirement.

D. For final orders, please make sure that all parts of the transmittal sheet are filled out. This section asks specific questions concerning the rulemaking. If more space is needed, attach a separate sheet.

Example

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
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Rule Number _____

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:
Content _____ Phone _____ FAX _____
Email address _____

Data Entry _____ Phone _____ FAX _____
Email address _____

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination
Effective Date for the Emergency _____

☐ Proposed Rulemaking __ Rule __ Amendment __ Rescission

☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☐ Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission
Effective Date for the Order _____

☐ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp
---	------------

Final Order for a Proposed Amendment—With Changes

2. Certification letter or cover letter on agency letterhead—
This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

Example

Address one (1) original letter to the secretary of state

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, MO 65101
rules@sos.mo.gov

Dear Secretary,

Re: *Rule Number and Title*

CERTIFICATION OF ADMINISTRATIVE RULE

List rule number and title

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by *name of your department, board, or commission*.

Statutory Authority: section(s) _____
your agency's statute(s) for rulemaking

Certify that the attached are complete and accurate copies of the final order of rulemaking

If there are any questions regarding the content of this order of rulemaking, please contact:

Name

Address

Phone Number

Email

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

Final Order for a Proposed Amendment—With Changes

3. Order of rulemaking.

Example

4. If you have a revised public fiscal note, you must also have a declaration signed by the person to whom rulemaking authority has been delegated. Signature must be on file in the Office of the Secretary of State.

NOTE: If you have a revised **private** fiscal note, no declaration is required.

DECLARATION OF PUBLIC COST

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the order of rulemaking to *insert rule number* is a reasonably accurate estimate.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Final Order for a Proposed Amendment—With Changes

The revised fiscal note.

Example

REVISED FISCAL NOTE
PUBLIC COST

- I. Department Title:
Division Title:
Chapter Title:

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate

III. WORKSHEET

IV. ASSUMPTIONS

Final Order for a Proposed Amendment—With Changes

Now that you have the paperwork—

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. JCAR will send stamped PDF packet back to your agency.
4. *Wait for thirty (30) days*, then email JCAR stamped PDF packet to rules@sos.mo.gov.
5. Now you can relax and wait for the rulemaking to become effective.

Final Order for a Proposed Rescission

Contents of the final order of rulemaking.

Example

Step 1. Header, centered, contains the—

Title number—NAME OF DEPARTMENT

Division number—Name of Division

Chapter number—Name of Chapter

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 750—Painless Rulemaking

ORDER OF RULEMAKING

Step 2. Type of rulemaking, centered

Step 3.

- Statement to whom authority is given
- Statutory cite of authority
- Statement of action taken on the proposed rescission.

By the authority vested in the *your division name* under section *your statute for rulemaking authority*, RSMo 2016, the *your division name* rescinds a rule as follows:

Step 4.

- Rule number and action taken in **bold** typeface; rule title in non-bold font.

15 CSR 30-750.005 Filing Rules by ATMS **is rescinded.**

Step 5. Explanation of—

- The publication date of the proposed rescission in the *Missouri Register* and page number where found.
- No changes to the proposed rescission.
- When the proposed rescission becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after the update of the *Code* is published, the rescission becomes effective.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 15, 2019 (44 MoReg 177). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

Final Order for a Proposed Rescission

Step 6. SUMMARY OF COMMENTS AND RESPONSES.

- **If comments are received** concerning the proposed rule-making, write a brief statement summarizing the comments.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.
- Individual comments are printed with a **response** to the comment. Similar comments may be summarized in one (1) comment.
- When responding to a comment, refer the reader to the appropriate citation rather than including quoted statutes or quoted sections of the rule.
- If there are more than two (2) comments, please number the comments. For example: COMMENT #2.
- If **no comments were received** concerning the proposed rulemaking, a brief statement is made to that effect.

Example

SUMMARY OF COMMENTS: The *your division* received two (2) comments on the proposed rescission.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held March 7, 2019, and the public comment period ended March 17, 2019. At the public hearing, the Administrative Rules staff explained the proposed rescission and two (2) comments were made.

RESPONSE: As a result, the secretary has decided to withdraw this rule.

FOLLOWED BY

COMMENT #1: John J. Johnson, with the Division of Unplanned Emergencies, stated that it was about time this rule was rescinded.

RESPONSE: We agree.

COMMENT #2: Mary Agnes, with the Coalition for Saving the Trees From Becoming Paper League, asked if there was any way to bring ATMS back.

RESPONSE: ATMS is an antiquated system that will never come back. No changes have been made to the rescission as a result of these comments.

OR

SUMMARY OF COMMENTS: No comments were received.

Final Order for a Proposed Rescission

Step 7.

Paperwork Needed to File a Final Order and What You Do With It—

1. Fill out the rule transmittal sheet.

A. This section gives information to the Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions.

B. This section describes the type of rulemaking action.

C. If you have a specific effective date for your rule, insert that date.

NOTE: This specific effective date must be later than the statutory thirty- (30-) day requirement.

NOTE: For final orders, please make sure that all parts of the rule transmittal sheet are filled out which ask specific questions concerning the rulemaking. For a final order with no changes simply check the "no" box.

Example

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
<p>Rule Number _____</p> <p>Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.</p> <p>Name of person to call with questions about this rule: Content _____ Phone _____ FAX _____ Email address _____</p> <p>Data Entry _____ Phone _____ FAX _____ Email address _____</p> <p>Interagency mailing address _____</p> <p>TYPE OF RULEMAKING ACTION TO BE TAKEN</p> <p><input type="checkbox"/> Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination Effective Date for the Emergency _____</p> <p><input type="checkbox"/> Proposed Rulemaking __ Rule __ Amendment __ Rescission</p> <p><input type="checkbox"/> Rule Action Notice <input type="checkbox"/> In Addition <input type="checkbox"/> Rule Under Consideration</p> <p><input type="checkbox"/> Request for Non-Substantive Change</p> <p><input type="checkbox"/> Statement of Actual Cost</p> <p><input checked="" type="checkbox"/> Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission Effective Date for the Order _____</p> <p><input type="checkbox"/> Statutory 30 days OR Specific date _____</p> <p>Does the Order of Rulemaking contain changes to the rule text? <input type="checkbox"/> NO <input type="checkbox"/> YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text: _____ _____</p>	
Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp

Final Order for a Proposed Rescission

2. Certification letter or cover letter on agency letterhead—
This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

Example

Address one (1) original letter to the secretary of state

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, MO 65101
rules@sos.mo.gov

Dear Secretary,

Re: *Rule Number and Title*

List rule number and title

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by *name of your department, board, or commission*.

Certify that the attached are complete and accurate copies of the final order of rulemaking

Statutory Authority: section(s) _____
your agency's statute(s) for rulemaking

If there are any questions regarding the content of this order of rulemaking, please contact:

Name

Address

Phone Number

Email

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules.

3. Order of rulemaking.

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

Final Order for a Proposed Rescission

Now that you have the paperwork—

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. JCAR will send stamped PDF packet back to your agency.
4. *Wait for thirty (30) days*, then email JCAR stamped PDF packet to rules@sos.mo.gov.
5. Now you can relax and wait for the rulemaking to become effective.

Final Order for a Withdrawal

Contents of the final order of rulemaking.

Example

Step 1. Header, centered, contains the—

Title number—NAME OF DEPARTMENT

Division number—Name of Division

Chapter number—Name of Chapter

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 750—Painless Rulemaking

ORDER OF RULEMAKING

Step 2. Type of rulemaking, centered

Step 3.

- Statement to whom authority is given
- Statutory cite of authority
- Statement of action taken on the proposed rulemaking

By the authority vested in the *your division name* under section *your statute for rulemaking authority*, RSMo 2016, the *your division name* withdraws a proposed rule as follows:

Step 4.

- Rule number and action taken in **bold** typeface

15 CSR 30-750.020 Limit on Rules Filed is withdrawn.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2019 (44 MoReg 180). This proposed rule is withdrawn.

Step 5. Explanation of—

- The publication date of the proposed rulemaking in the *Missouri Register* and page number where located.
- Statement that the rulemaking is withdrawn.

Final Order for a Withdrawal

Step 6. SUMMARY OF COMMENTS AND RESPONSES.

- For a withdrawal, a general summary of comments can be given without listing all of the individual comments separately. In the summary of comments, the agency needs to explain why they are withdrawing the rulemaking. After the SUMMARY OF COMMENTS, there should be a RESPONSE stating that the department/division is withdrawing the rulemaking.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony. They would then need to explain why they are withdrawing the rulemaking. After the SUMMARY OF COMMENTS, there should be a RESPONSE stating that the department/division is withdrawing the rulemaking.

Example

SUMMARY OF COMMENTS: The *your division* received numerous comments on this proposed rule. Most of the comments were against the rule. The comments emphasized that an agency might have to promulgate several rules at the same time due to circumstances beyond their control and that it would be unfair to the agencies to implement this rule.

RESPONSE: As a result, the secretary is withdrawing this rulemaking.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held March 7, 2019, and the public comment period ended March 17, 2019. At the public hearing, the Administrative Rules staff explained the proposed rulemaking and twenty-four (24) comments were made. Most of the comments were against the rule. The comments emphasized that an agency might have to promulgate several rules at the same time due to circumstances beyond their control and that it would be unfair to the agencies to implement this rule.

RESPONSE: As a result, the secretary is withdrawing this rulemaking.

Final Order for a Withdrawal

Step 7.

Paperwork Needed to File a Final Order and What You Do With It—

1. Fill out the rule transmittal sheet.

A. This section gives information to the Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions.

B. This section describes the type of rulemaking action.

Example

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
---	----------------------------

Rule Number _____

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:
Content _____ Phone _____ FAX _____
Email address _____

Data Entry _____ Phone _____ FAX _____
Email address _____

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination
Effective Date for the Emergency _____

☐ Proposed Rulemaking __ Rule __ Amendment __ Rescission

☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☐ Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission
Effective Date for the Order _____

☐ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp
---	------------

Final Order for a Withdrawal

2. Certification letter or cover letter on agency letterhead—
This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

Example

Address one (1) original letter to the secretary of state

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, MO 65101
rules@sos.mo.gov

Dear Secretary,

Re: *Rule Number and Title*

List rule number and title

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by *name of your department, board, or commission*.

Certify that the attached are complete and accurate copies of the final order of rulemaking

Statutory Authority: section(s) _____
your agency's statute(s) for rulemaking

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules

If there are any questions regarding the content of this order of rulemaking, please contact:

Name

Address

Phone Number

Email

3. Order of rulemaking.

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

Final Order for a Withdrawal

Now that you have the paperwork—

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. JCAR will send stamped PDF packet back to your agency.
4. *Wait for thirty (30) days*, then email JCAR stamped PDF packet to rules@sos.mo.gov.
5. Now you can relax and wait for the rulemaking to become effective.

Emergency

UNDER THIS PROVISION, A RULE MAY BE MADE, AMENDED, OR RESCINDED WITHOUT GOING THROUGH ALL THE NORMAL PROCEDURAL STEPS, BUT *ONLY IF* THE STATE AGENCY—

- Finds that an immediate danger to the public health, safety, or welfare requires emergency action; or
- The rule is necessary to preserve a compelling governmental interest that requires an early effective date; and
- Follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; and
- Follows procedures which comply with protections extended by the *Missouri* and *United States Constitutions*; and
- Limits the scope of such rule to the circumstances creating the required emergency action.

The agency should explain in simple terms what has created the emergency or need for quick action, such as new statutes, budget cuts, court cases, or federal regulatory changes. The agency should explain what harm or consequences will happen if the emergency action is not taken.

At the time of filing, the agency must file concurrently with the Office of the Secretary of State, the Joint Committee on Administrative Rules, and the Small Business Regulatory Fairness Board, if applicable, insert the text of the rulemaking, together with very specific facts, reasons, and findings which support the agency's conclusion that they have fully complied with the requirements of section 536.025.1., RSMo (set out above); if the agency finds the rule is necessary to preserve a compelling governmental interest, the agency shall certify, in writing, the reasons therefore.

Emergency rules filed under the provisions of section 536.025.1.(2), RSMo (best calculated to assure fairness . . .), shall be published in the *Missouri Register* as soon as practicable after the filing thereof and on our emergency rules page within three (3) business days of filing. It is the responsibility of the Office of the Secretary of State to review the filing for compliance with the requirements for publication and adoption established in the statutes. In the event the Office of the Secretary of State determines such proposed material does not meet those requirements, this office, according to statutory authority, SHALL NOT PUBLISH. The secretary of state will inform the agency of his/her determination.

Any emergency rule is subject to judicial review.

An emergency rule adopted under the provisions of this section shall clearly state the interval during which it will be in effect. No emergency rule shall be in effect longer than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer.

Emergency rules are not renewable, nor may an agency adopt consecutive emergency rules having substantially the same effect; however, the agency may adopt an identical proposed rule under normal rulemaking procedures.

Emergency

A rule adopted under the provisions for **emergency rules** may be effective not less than ten (10) business days after the filing thereof in the Office of the Secretary of State, or at such later date as specified by the rule—and may be terminated at any time by filing a final order fixing the date of termination. This final order shall also be published in the *Missouri Register* as soon as practicable.

Time line for emergency rules

An emergency rule is filed with the Joint Committee on Administrative Rules and the Administrative Rules Division, Office of the Secretary of State on the same day. It may become effective as early as ten (10) business days after filing or any time after that as indicated in the emergency statement and the history of the rule.

When the emergency rule becomes effective, it may remain effective for one hundred eighty (180) days. To calculate the expiration date, use the timeline calculator at s1.sos.mo.gov/adrules/datecalc/. If you wish the rule to expire sooner, you may elect to choose an earlier date.

There is also a provision that allows a rule to be effective for up to thirty (30) **legislative days** if that is a longer period of time than the one hundred eighty (180) days. This would apply from approximately the end of March until the first of August. (See section 536.025.7., RSMo, for an explanation of how to count legislative days.) Remember, when the thirty- (30-) legislative day option is selected, the rule may remain effective until sometime in either January or February if the effective date includes any legislative days in April or May of the previous legislative session. (See Time Lines for Publishing Administrative Rules, page 5.07A.)

When determining the expiration date, check the time line calculator to determine when your proposed rule will take effect. If necessary, you may wish to adjust the effective date in order that a gap does not occur between the end of the emergency rule and the effective date of the proposed rule.

Section 536.025.9., RSMo, provides for **termination at any time** by filing an order fixing the date of such termination.

Emergency Rule

Contents of an Emergency Rule:

Example

Step 1—Header, centered, contains the—

Title number—NAME OF DEPARTMENT

Division number—Name of Division

Chapter number—Name of Chapter

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 750—Painless Rulemaking

EMERGENCY RULE

Type of rulemaking, centered

15 CSR 30-750.030 Lapsed Rules Cannot Be Promulgated

Rule number and title

If you are doing a new rule, check with the Administrative Rules Division for verification of the rule number before you use that specific number.

Step 2—Write an original Purpose statement giving a brief explanation of the reasons this rule is needed.

PURPOSE: This rule clarifies that rules not filed within ninety (90) days after the public comment period expires cannot be promulgated.

Step 3—Write the Emergency Statement. It must include—

- Either an immediate danger to the public health, safety, or welfare OR a compelling governmental interest. Give a detailed explanation of the reasons;
- Procedures to assure fairness to all persons and parties;
- Protections extended by the *Missouri* and *United States Constitutions*;
- Limiting the scope to the emergency circumstances;
- Reasons the agency is filing the rule;
- The consequences that would occur if an emergency rule is not enacted; and
- The filing date, effective date, and expiration date.

*EMERGENCY STATEMENT: This emergency rule informs state agencies and the public that lapsed rules cannot be promulgated. This emergency rule is necessary to protect a compelling governmental interest as some agencies may try to promulgate lapsed rules and thus leave the populace unregulated in an important field that should be regulated. As a result, the *insert name of agency* finds a compelling governmental interest, which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The *insert name of agency* believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed December 20, 2019, becomes effective January 7, 2020, and expires July 4, 2020.*

Emergency Rule

Example—continued

Step 4—Write the text of the rule.

Step 5—Add the authority section with the current RSMo date, followed by the filing date, effective date, and expiration date. Please remember that the emergency rule is effective for **ONLY** one hundred eighty (180) days or thirty (30) legislative days and is **NOT** renewable.

NOTE: The history of an emergency rule goes into the authority section of the *Code of State Regulations*, but the text of the emergency rule is not printed in the *Code of State Regulations*.

PUBLIC COST (requires a declaration). This states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500) for the emergency rulemaking, a fiscal note must accompany the emergency rulemaking.

PRIVATE COST. This states the cost to any private entity. If the cost is more than five hundred dollars (\$500) for the emergency rulemaking, a fiscal note must accompany the emergency rulemaking.

(1) Any proposed rule, amendment, or rescission must have the final order of rulemaking for such rulemaking filed with the Administrative Rules Division of the Office of the Secretary of State within ninety (90) days of the last day of the comment period.

(2) Any proposed rule, amendment, or rescission whose final order of rulemaking is filed more than ninety (90) days after the end of the comment period shall be deemed lapsed and shall not be published as a final order of rulemaking.

(3) In order to promulgate a rule that has lapsed, the entire rulemaking process must be begun again.

*AUTHORITY: section 536.023, RSMo 2016. Emergency rule filed Dec. 20, 2019, effective Jan. 7, 2020, expires July 4, 2020. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

PUBLIC COST: This emergency rule will cost state agencies or political subdivisions seven hundred thirty-two dollars (\$732) in the time the emergency is effective.

PRIVATE COST: This emergency rule will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

Emergency Rule

Step 6—Prepare the rule packet. (order listed below)

A. Fill out the rule transmittal sheet.

- This section gives information to the Administrative Rules staff about your rule and the people in your agency who work with rules and who to contact for questions.
- This section describes the type of rulemaking action and dates necessary for filing.

Assemble packet for each rule in the following order:

1. Rule Transmittal Sheet;
2. Letter from governor's office;
3. Cover letter for secretary of state;
4. Cover letter for JCAR;
5. Declaration;
6. Emergency rule;
7. Fiscal note(s) (if applicable);
8. Forms ("included herein") (if applicable); and
9. A properly formatted email attachment in Microsoft Word containing the emergency rule.

Example

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
Rule Number _____	
Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.	
Name of person to call with questions about this rule: _____	
Content _____ Phone _____ FAX _____	
Email address _____	
Data Entry _____ Phone _____ FAX _____	
Email address _____	
Interagency mailing address _____	
TYPE OF RULEMAKING ACTION TO BE TAKEN	
<input type="checkbox"/> Emergency Rulemaking ___ Rule ___ Amendment ___ Rescission ___ Termination	
Effective Date for the Emergency _____	
<input type="checkbox"/> Proposed Rulemaking ___ Rule ___ Amendment ___ Rescission	
<input type="checkbox"/> Rule Action Notice <input type="checkbox"/> In Addition <input type="checkbox"/> Rule Under Consideration	
<input type="checkbox"/> Request for Non-Substantive Change	
<input type="checkbox"/> Statement of Actual Cost	
<input type="checkbox"/> Order of Rulemaking ___ Withdrawal ___ Adopt ___ Amendment ___ Rescission	
Effective Date for the Order _____	
<input type="checkbox"/> Statutory 30 days OR Specific date _____	
Does the Order of Rulemaking contain changes to the rule text? <input type="checkbox"/> NO	
<input type="checkbox"/> YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text: _____	

Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp

Emergency Rule

B. Certification or cover letter on agency letterhead—This letter must certify that the attached is a complete and accurate copy of the emergency rulemaking and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

Example

Address letter to the secretary of state

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

List the rule number and title of the rule

Re: Rule Number and Title

Dear Secretary,

CERTIFICATION OF ADMINISTRATIVE RULE

Section 536.025.2., RSMo, requires compelling governmental interest to be certified in writing

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by *name of your department, board, or commission*.

Rulemaking authority

I further certify that this emergency rule is supported by a compelling governmental interest, the reasons for which are stated in the emergency statement.

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

Name of the person the Administrative Rules staff may call

If there are any questions regarding the content of this proposed rulemaking, please contact:

Name
Address
Phone Number
Email.

Authorized signature of the department director, or his/her designee whose Delegation of Authority form is on file in the Office of the Secretary of State, Administrative Rules.

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

Emergency Rule

C. Prepare declaration (public cost)

Example

DECLARATION OF PUBLIC COST

Cost less than five hundred dollars (\$500)—state that the cost is less than five hundred dollars (\$500) in the aggregate to this agency, any other state agency, or political subdivision.

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the cost of emergency rule *insert rule number*, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Emergency Rule

Example

Declaration (public cost)

DECLARATION OF PUBLIC COST

Cost greater than five hundred dollars (\$500)—state that the cost is a reasonably accurate estimate.

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the emergency rule to *insert rule number* is a reasonably accurate estimate.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Emergency Rule

Example

D. Review proposed rule and all attached documents

E. Fiscal notes—Public and Private (forms available at sos.mo.gov/adrules/forms)

1. Prepare a public fiscal note when public cost is greater than five hundred dollars (\$500) (section 536.200, RSMo)

- Summary of fiscal impact
- Detailed estimated cost of compliance
- Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to make sure the numbers match.

FISCAL NOTE PUBLIC COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate

III. WORKSHEET

IV. ASSUMPTIONS

Emergency Rule

2. Prepare a private fiscal note when **private cost** is greater than five hundred dollars (\$500) (section 536.205, RSMo)

- Summary of fiscal impact—number and type of entities affected and the associated cost of the emergency rule
- Detailed estimated cost of compliance with the emergency rule
- Agency's assumptions, references, and methods of acquiring information that result in the conclusions contained in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to *make sure the numbers match*.

Example

FISCAL NOTE PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:

III. WORKSHEET

IV. ASSUMPTIONS

Emergency Rule

Step 7—Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject.

Step 8—Filing of an emergency rule.

- A. Now that you have the original documents prepared, scan the documents all together into a PDF packet for filing.
- B. Send a Word version of the emergency rulemaking only to rules@sos.mo.gov.
- C. If applicable, send a copy to the Small Business Regulatory Fairness Board. They should send you back a stamped copy of the PDF packet.
- D. Send that packet, if applicable, to JCAR at JTCAR@senate.mo.gov.
- E. If not applicable, send PDF packet directly to JCAR at JTCAR@senate.mo.gov.
- F. JCAR will send a stamped PDF to Administrative Rules, Office of the Secretary of State.
- G. Administrative Rules will send a stamped copy of the PDF packet back to your agency.

NOTE: Filings made later in the day may not receive their stamped PDF packet until the next business day.

Emergency Amendment

Contents of an Emergency Amendment

Example

Step 1—Header, centered, contains the—

Title number—NAME OF DEPARTMENT

Division number—Name of Division

Chapter number—Name of Chapter

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 750—Painless Rulemaking

EMERGENCY AMENDMENT

Type of rulemaking, centered

Rule number and title

15 CSR 30-750.003 Filing Requirements. The division is amending section (2).

PURPOSE: This amendment adds the requirement for filing a third copy with an emergency rulemaking.

Step 2—Add a descriptive sentence following the title that lists the section or sections being amended.

Step 3—Write a Purpose statement giving a brief explanation of the reasons this amendment is needed.

*EMERGENCY STATEMENT: This emergency amendment informs state agencies that rules filed as emergencies must have an extra copy to be properly filed with the Office of the Secretary of State. This emergency amendment is necessary to protect governmental interest as some agencies may try to file rules without the correct amount of copies not realizing that this could jeopardize the rulemaking process. As a result, the *insert name of agency* finds a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The *insert name of agency* believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed December 20, 2019, becomes effective January 7, 2020, and expires July 4, 2020.*

Step 4—Write the Emergency Statement. It must include—

- Either an immediate danger to the public health, safety, or welfare OR a compelling governmental interest. Give a detailed explanation of the reasons;
- Procedures to assure fairness to all persons and parties;
- Protections extended by the *Missouri* and *United States Constitutions*;
- Limiting the scope to the emergency circumstances;
- Reasons the agency is filing the amendment;
- The consequences that would occur if an emergency is not enacted; and
- The filing date, effective date, and expiration date.

Emergency Amendment

Step 5—Write the text of the amendment. Current rule text is available at: www.sos.mo.gov/adrules/agency/.

NOTE: All text indented under the subsection must be submitted with your amendment.

Step 6—Add the authority section with the current RSMo date, followed by the filing date, effective date, and expiration date. Please remember that the emergency amendment is effective for ONLY one hundred eighty (180) days or thirty (30) legislative days and is NOT renewable.

NOTE: The history of an emergency amendment goes into the authority section of the *Code of State Regulations*, but the text of the emergency amendment is not printed in the *Code of State Regulations*.

PUBLIC COST (requires a declaration). This states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500) for the emergency rulemaking, a fiscal note must accompany the emergency rulemaking.

PRIVATE COST. This states the cost to any private entity. If the cost is more than five hundred dollars (\$500) for the emergency rulemaking, a fiscal note must accompany the emergency rulemaking.

Example—continued

(2) When filing an emergency rule, emergency amendment, emergency rescission, or emergency termination, four (4) copies will be required for filing (three (3) copies and an original) with the Office of the Secretary of State, Administrative Rules Division.

*AUTHORITY: section 536.023, RSMo 2016. Original rule filed March 25, 1997, effective Sept. 30, 1997. Emergency amendment filed Dec. 20, 2019, effective Jan. 7, 2020, expires July 4, 2020. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

PUBLIC COST: This emergency amendment will cost state agencies or political subdivisions seven hundred thirty-two dollars (\$732) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

Emergency Amendment

Step 7—Prepare the rule packet. (order listed below)

A. Fill out the transmittal sheet.

- This section gives information to the Administrative Rules Division about your amendment and the people in your agency who work with rules and who to contact for questions.
- This section describes the type of rulemaking action and dates necessary for filing.

Assemble packet for each rule in the following order:

1. Rule Transmittal Sheet;
2. Letter from governor's office;
3. Cover letter for secretary of state;
4. Cover letter for JCAR;
5. Declaration;
6. Emergency amendment;
7. Fiscal note(s) (if applicable);
8. Forms ("included herein") (if applicable); and
9. A properly formatted email attachment in Microsoft Word containing the emergency amendment.

Example

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
---	----------------------------

Rule Number _____

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:
Content _____ Phone _____ FAX _____
Email address _____

Data Entry _____ Phone _____ FAX _____
Email address _____

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination
Effective Date for the Emergency _____

☐ Proposed Rulemaking __ Rule __ Amendment __ Rescission

☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☐ Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission
Effective Date for the Order _____

☐ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text: _____

Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp
---	------------

Emergency Amendment

B. Certification letter or cover letter on agency letterhead—
This letter must certify that the attached is a complete and accurate copy of the emergency rulemaking and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

Example

Address letter to the secretary of state

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

List the rule number and title of the rule

Re: Rule Number and Title

Dear Secretary,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by *name of your department, board, or commission*.

Section 536.025.2., RSMo, requires compelling governmental interest to be certified in writing

I further certify that this emergency rule is supported by a compelling governmental interest, the reasons for which are stated in the emergency statement.

Rulemaking authority

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

Name of the contact person the Administrative Rules staff may call

If there are any questions regarding the content of this proposed rulemaking, please contact:

Name
Address
Phone Number
Email.

Authorized signature of the department director, or his/her designee whose Delegation of Authority form is on file in the Office of the Secretary of State, Administrative Rules.

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

Emergency Amendment

C. Prepare declaration (public cost)

Example

DECLARATION OF PUBLIC COST

Cost less than five hundred dollars (\$500)—state that the cost is less than five hundred dollars (\$500) in the aggregate to this agency, any other state agency, or political subdivision.

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the cost of emergency amendment *insert rule number*, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Emergency Amendment

Example

Declaration (public cost)

Cost greater than five hundred dollars (\$500)—state that the cost is a reasonably accurate estimate.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.

DECLARATION OF PUBLIC COST

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the emergency amendment to *insert rule number* is a reasonably accurate estimate.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Emergency Amendment

Example

D. Review proposed rule and all attached documents

E. Fiscal notes—Public and Private (forms available at sos.mo.gov/adrules/forms)

1. Prepare a public fiscal note when public cost is greater than five hundred dollars (\$500) (section 536.200, RSMo)

- Summary of fiscal impact
- Detailed estimated cost of compliance
- Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to make sure the numbers match.

FISCAL NOTE PUBLIC COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate

III. WORKSHEET

IV. ASSUMPTIONS

Emergency Amendment

2. Prepare a private fiscal note when **private cost** is greater than five hundred dollars (\$500) (section 536.205, RSMo)

- Summary of fiscal impact—number and type of entities affected and the associated cost of the emergency amendment
- Detailed estimated cost of compliance with the emergency amendment
- Agency's assumptions, references, and methods of acquiring information that result in the conclusions contained in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to *make sure the numbers match*.

Example

**FISCAL NOTE
PRIVATE COST**

**I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Title:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:

III. WORKSHEET

IV. ASSUMPTIONS

Emergency Amendment

Step 8—Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject.

Step 9—Filing of an emergency amendment.

- A. Now that you have the original documents prepared, scan the documents all together into a PDF packet for filing.
- B. Send a Word version of the emergency rulemaking only to rules@sos.mo.gov.
- C. If applicable, send a copy to the Small Business Regulatory Fairness Board. They should send you back a stamped copy of the PDF packet.
- D. Send that packet, if applicable, to JCAR at JTCAR@senate.mo.gov.
- E. If not applicable, send PDF packet directly to JCAR at JTCAR@senate.mo.gov.
- F. JCAR will send a stamped PDF to Administrative Rules, Office of the Secretary of State.
- G. Administrative Rules will send a stamped copy of the PDF packet back to your agency.

NOTE: Filings made later in the day may not receive their stamped PDF packet until the next business day.

Emergency Rescission

Contents of an Emergency Rescission

Example

Step 1—Header, centered, contains the—

Title number—NAME OF DEPARTMENT

Division number—Name of Division

Chapter number—Name of Chapter

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 750—Painless Rulemaking

EMERGENCY RESCISSION

Type of rulemaking, centered

Rule number and title

15 CSR 30-750.005 Filing Rules by ATMS. This rule required rules to be submitted in ATMS format on the mainframe.

PURPOSE: This rule is being rescinded as ATMS no longer exists.

Step 2—Add the original rule purpose in past tense following the rule title.

Step 3—Write a Purpose statement giving a brief explanation of the reason this rule is no longer needed.

*EMERGENCY STATEMENT: This emergency rescission informs citizens that ATMS is no longer available for use. This emergency rescission is necessary to protect a compelling governmental interest since it is not possible to leave the populace unregulated in an important field that should be regulated. As a result, the *insert name of agency* finds a compelling governmental interest, which requires this emergency action. A proposed rescission, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The *insert name of agency* believes this emergency rescission is fair to all interested persons and parties under the circumstances. This emergency rescission was filed December 20, 2019, becomes effective January 7, 2020, and expires July 4, 2020.*

Step 4—Write the Emergency Statement. It must include—

- Either an immediate danger to the public health, safety, or welfare OR a compelling governmental interest. Give a detailed explanation of the reasons;
- Procedures to assure fairness to all persons and parties;
- Protections extended by the *Missouri* and *United States Constitutions*;
- Limiting the scope to the emergency circumstances;
- Reasons the agency is filing the rescission;
- The consequences that would occur if an emergency is not enacted; and
- The filing date, effective date, and expiration date.

Emergency Rescission

Example—continued

Step 5—Add the authority section as presently shown in the *Code*, followed by the filing date, effective date, and expiration date. Please remember that the emergency rescission is effective for **ONLY** one hundred eighty (180) days or thirty (30) legislative days and is **NOT** renewable.

NOTE: The history of an emergency rescission goes into the authority section of the *Code of State Regulations*.

PUBLIC COST (requires a declaration). This states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500) for the emergency rulemaking, a fiscal note must accompany the emergency rulemaking.

PRIVATE COST. This states the cost to any private entity. If the cost is more than five hundred dollars (\$500) for the emergency rulemaking, a fiscal note must accompany the emergency rulemaking.

*AUTHORITY: section 536.023, RSMo 2000. Original rule filed July 15, 1976, effective July 25, 1976. Amended: Filed Aug. 1, 1982, effective Dec. 4, 1982. Amended: Filed Jan. 16, 1985, effective July 30, 1985. Emergency rescission filed Dec. 20, 2019, effective Jan. 7, 2020, expires July 4, 2020. A proposed rescission covering this same material is published in this issue of the **Missouri Register**.*

PUBLIC COST: This emergency rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency rescission will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

Emergency Rescission

Step 6—Prepare the rule packet. (order listed below)

A. Fill out the transmittal sheet.

- This section gives information to the Administrative Rules staff about your rule and the people in your agency who work with rules and who to contact for questions.
- This section describes the type of rulemaking action and dates necessary for filing.

Assemble packet for each rule in the following order:

1. Rule Transmittal Sheet;
2. Letter from governor's office;
3. Cover letter for secretary of state;
4. Cover letter for JCAR;
5. Declaration;
6. Emergency rescission;
7. Fiscal note(s) (if applicable);
8. A properly formatted email attachment in Microsoft Word containing the emergency rescission.

Example

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
Rule Number _____	
Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.	
Name of person to call with questions about this rule: Content _____ Phone _____ FAX _____ Email address _____	
Data Entry _____ Phone _____ FAX _____ Email address _____	
Interagency mailing address _____	
TYPE OF RULEMAKING ACTION TO BE TAKEN <input type="checkbox"/> Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination Effective Date for the Emergency _____ <input type="checkbox"/> Proposed Rulemaking __ Rule __ Amendment __ Rescission <input type="checkbox"/> Rule Action Notice <input type="checkbox"/> In Addition <input type="checkbox"/> Rule Under Consideration <input type="checkbox"/> Request for Non-Substantive Change <input type="checkbox"/> Statement of Actual Cost <input type="checkbox"/> Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission Effective Date for the Order _____ <input type="checkbox"/> Statutory 30 days OR Specific date _____ Does the Order of Rulemaking contain changes to the rule text? <input type="checkbox"/> NO <input type="checkbox"/> YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text: _____ _____	
Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp

Emergency Rescission

B. Certification letter or cover letter on agency letterhead—
This letter must certify that the attached is a complete and accurate copy of the emergency rescission and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

Example

Address letter to the secretary of state

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

List the rule number and title of the rule

Re: Rule Number and Title

Dear Secretary,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by *name of your department, board, or commission*.

Section 536.025.2., RSMo, requires compelling governmental interest to be certified in writing

I further certify that this emergency rule is supported by a compelling governmental interest, the reasons for which are stated in the emergency statement.

Rulemaking authority

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

Name of the contact person the Administrative Rules staff may call

If there are any questions regarding the content of this proposed rulemaking, please contact:

Name
Address
Phone Number
Email.

Authorized signature of the department director, or his/her designee whose Delegation of Authority form is on file in the Office of the Secretary of State, Administrative Rules.

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

Emergency Rescission

C. Prepare declaration (public cost)

Example

DECLARATION OF PUBLIC COST

Cost less than five hundred dollars (\$500)—state that the cost is less than five hundred dollars (\$500) in the aggregate to this agency, any other state agency, or political subdivision.

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the cost of emergency rescission *insert rule number*, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Emergency Rescission

Example

Declaration (public cost)

DECLARATION OF PUBLIC COST

Cost greater than five hundred dollars (\$500)—state that the cost is a reasonably accurate estimate.

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the emergency rescission to *insert rule number* is a reasonably accurate estimate.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Emergency Rescission

Example

D. Review proposed rule and all attached documents

E. Fiscal notes—Public and Private (forms available at sos.mo.gov/adrules/forms)

1. Prepare a public fiscal note when public cost is greater than five hundred dollars (\$500) (section 536.200, RSMo)

- Summary of fiscal impact
- Detailed estimated cost of compliance
- Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to make sure the numbers match.

FISCAL NOTE PUBLIC COST

I. Department Title: Division Title: Chapter Title:

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate

III. WORKSHEET

IV. ASSUMPTIONS

Emergency Rescission

2. Prepare a private fiscal note when **private cost** is greater than five hundred dollars (\$500) (section 536.205, RSMo)

- Summary of fiscal impact—number and type of entities affected and the associated cost of the emergency rescission
- Detailed estimated cost of compliance with the emergency rescission
- Agency's assumptions, references, and methods of acquiring information that result in the conclusions contained in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to *make sure the numbers match*.

Example

**FISCAL NOTE
PRIVATE COST**

**I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Title:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:

III. WORKSHEET

IV. ASSUMPTIONS

Emergency Rescission

Step 7—Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject.

Step 8—Filing of an emergency rescission.

- A. Now that you have the original documents prepared, scan the documents all together into a PDF packet for filing.
- B. Send a Word version of the emergency rulemaking only to rules@sos.mo.gov.
- C. If applicable, send a copy to the Small Business Regulatory Fairness Board. They should send you back a stamped copy of the PDF packet.
- D. Send that packet, if applicable, to JCAR at JTCAR@senate.mo.gov.
- E. If not applicable, send PDF packet directly to JCAR at JTCAR@senate.mo.gov.
- F. JCAR will send a stamped PDF to Administrative Rules, Office of the Secretary of State.
- G. Administrative Rules will send a stamped copy of the PDF packet back to your agency.

NOTE: Filings made later in the day may not receive their stamped PDF packet until the next business day.

Emergency Termination

Contents of an Emergency Termination

Example

Step 1—Header, centered, contains the—

Title number—NAME OF DEPARTMENT

Division number—Name of Division

Chapter number—Name of Chapter

Type of rulemaking, centered

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 750—Painless Rulemaking

**ORDER TERMINATING EMERGENCY
AMENDMENT**

Step 2—Write your order terminating the emergency amendment. It must include the—

- Rulemaking statute;
- Date the amendment will be terminated;
- Title of the rule; and
- Publication date and page numbers.

By the authority vested in the *your division name* under section *your statute for rulemaking authority*, RSMo 2016, the *your division name* hereby terminates an emergency amendment effective January 7, 2018, as follows:

15 CSR 30-750.003 Filing Requirements is terminated.

A notice of emergency rulemaking containing the text of the emergency amendment was published in the *Missouri Register* on *date of publication* (*volume* MoReg *page number*).

NOTE: The history of an emergency termination goes into the authority section of the *Code of State Regulations*.

Emergency Termination

Step 3—Prepare the rule packet. (order listed below)

A. Fill out the transmittal sheet.

- This section gives information to the Administrative Rules about your rule and the people in your agency who work with rules and who to contact for questions.
- This section describes the type of rulemaking action and dates necessary for filing.

Assemble packet for each rule in the following order:

1. Rule Transmittal Sheet;
2. Letter from governor's office;
3. Cover letter for JCAR;
4. Cover letter for secretary of state; and
5. Emergency termination.

A properly formatted email attachment in Microsoft Word containing the emergency termination should be emailed to rules@sos.mo.gov.

Example

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
Rule Number _____	
Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.	
Name of person to call with questions about this rule: Content _____ Phone _____ FAX _____ Email address _____	
Data Entry _____ Phone _____ FAX _____ Email address _____	
Interagency mailing address _____	
TYPE OF RULEMAKING ACTION TO BE TAKEN <input type="checkbox"/> Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination Effective Date for the Emergency _____ <input type="checkbox"/> Proposed Rulemaking __ Rule __ Amendment __ Rescission <input type="checkbox"/> Rule Action Notice <input type="checkbox"/> In Addition <input type="checkbox"/> Rule Under Consideration <input type="checkbox"/> Request for Non-Substantive Change <input type="checkbox"/> Statement of Actual Cost <input type="checkbox"/> Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission Effective Date for the Order _____ <input type="checkbox"/> Statutory 30 days OR Specific date _____ Does the Order of Rulemaking contain changes to the rule text? <input type="checkbox"/> NO <input type="checkbox"/> YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text: _____ _____	
Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp

Emergency Termination

B. Certification letter or cover letter on agency letterhead—
This letter must certify that the attached is a complete and accurate copy of the emergency termination and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

Example

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

Address letter to the secretary of state

Re: Rule Number and Title

Dear Secretary,

CERTIFICATION OF ADMINISTRATIVE RULE

List the rule number and title of the rule

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by *name of your department, board, or commission*.

I further certify that this emergency rule is supported by a compelling governmental interest, the reasons for which are stated in the emergency statement.

Rulemaking authority

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

Name of the contact person the Administrative Rules staff may call

If there are any questions regarding the content of this proposed rulemaking, please contact:

Name

Address

Phone Number

Email.

Authorized signature of the department or division director, or his/her designee whose Delegation of Authority form is on file in the Office of the Secretary of State, Administrative Rules

Signature of proper authority

Name and title of proper authority

Name of department, board, or commission

Emergency Termination

Step 4—Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject.

Step 5—Filing of an emergency termination.

- A. Now that you have the original documents prepared, scan the documents all together into a PDF packet for filing.
- B. Send a Word version of the emergency rulemaking only to rules@sos.mo.gov.
- C. If applicable, send a copy to the Small Business Regulatory Fairness Board. They should send you back a stamped copy of the PDF packet.
- D. Send that packet, if applicable, to JCAR at JTCAR@senate.mo.gov.
- E. If not applicable, send PDF packet directly to JCAR at JTCAR@senate.mo.gov.
- F. JCAR will send a stamped PDF to Administrative Rules, Office of the Secretary of State.
- G. Administrative Rules will send a stamped copy of the PDF packet back to your agency.

NOTE: Filings made later in the day may not receive their stamped PDF packet until the next business day.

Practical Tips for Rule Drafters

Frequently Asked Questions

Filing Rules

1. What is the easiest way for an agency to obtain the current rule text in Word format to use in preparing amendments to an administrative rule?

Current rule text in Word format is available on the Secretary of State's (SOS) Administrative Rules website at sos.mo.gov/adrules/agency/ under the Rule Copies to Amend.

2. Where can I find the fiscal note forms, affidavit, and transmittal sheet I need to complete for filing a rule?

Copies of the fiscal note forms, affidavit, and transmittal form are available at sos.mo.gov/adrules/forms. These forms may be downloaded, completed, and saved as a document in your system prior to submission to SOS.

3. What is the email address for submitting rulemaking filings?

For JCAR the email address is JTCAR@senate.mo.gov.
For Administrative Rules, Office of the Secretary of State the email address is rules@sos.mo.gov.

4. What is required to be contained in the rulemaking PDF packet filed with Joint Committee on Administrative Rules, the Small Business Regulatory Fairness Board, and the secretary of state's office?

The PDF rulemaking packet should contain in this order—

- A. A completed transmittal sheet;
 - B. A certification letter addressed to JCAR;
 - C. A certification letter addressed to the secretary of state;
 - D. A letter from the governor's office, if applicable;
 - E. A public cost declaration;
 - F. The proposed rulemaking text;
 - G. Public Cost Fiscal Note, if applicable;
 - H. Private Cost Fiscal Note, if applicable; and
 - I. Forms or other included herein materials, if applicable.
- A Word copy of the proposed rulemaking text and fiscal notes, if applicable should be emailed to rules@sos.mo.gov prior to sending the PDF packet to SBRFB and/or JCAR.

5. Does the secretary of state's office have any format requirements for the rules?

The secretary of state's office requires—1) 11- or 12-point type for the rule text and 2) a JCAR stamp (always required) and a Small Business Regulatory Fairness Board stamp (if applicable) on the transmittal of every rule filing. Amendments are required to have brackets and italics for deleted text and bold type for new text.

6. When is a state agency required to submit a copy of proposed rules, amendments to rules, or rescissions of rules to the Missouri Small Business Regulatory Fairness Board?

Prior to submitting proposed rules, amendments, or rescissions, the state agency shall determine whether the proposed

Frequently Asked Questions

rule, amendment, or rescission affects small businesses. A rule affects small business if it will “cause direct and significant economic burden upon a small business or minority small business” or if it “is directly related to the formation, operation, or expansion of a small business.” See sections 536.010(1) and 536.300, RSMo. For any proposed rules that affect small businesses, the agency shall submit a small business statement as part of the PDF packet. See section 536.303, RSMo.

7. Where may the agency obtain a copy of a small business impact statement form?

A form that may be used to complete the small business impact statement is available on the Missouri Small Business Regulatory Fairness Board website at: sbrfb.ded.mo.gov.

8. When is an agency required to file a public fiscal note?

A public fiscal note must be filed if a proposed or emergency rule, amendment, or rescission will require or result in an expenditure of public funds by or a reduction of public revenues for the proposing agency or any other state agency or any political subdivision which is estimated to cost more than five hundred dollars (\$500) in the aggregate (over the lifetime of the rule) or for an emergency the time the emergency is effective to any such agency or political subdivision. The public fiscal note must provide a detailed estimated cost of compliance for each affected agency or each class of affected

political subdivisions and be supported by an affidavit by the director of the department that the estimated cost is reasonably accurate. If the proposed or emergency rule, amendment, or rescission is estimated to cost less than five hundred dollars (\$500) in the aggregate or for an emergency the time the emergency is effective, then the agency must file a declaration by the department director to that effect. Fiscal note forms and affidavits are available online at sos.mo.gov/adrules/forms.

9. When is an agency required to file a private fiscal note?

A private fiscal note must be filed if a proposed or emergency rule, amendment, or rescission will require an expenditure of money by or reduction in income for any person, firm, corporation, association, partnership, proprietorship, or business entity of any kind or character which is estimated to cost more than five hundred dollars (\$500) in the aggregate (over the lifetime of the rule) or for an emergency the time the emergency is effective. The private fiscal note must provide an estimate of the number of persons or business entities by class that would be affected, a classification by types of the business entities in such manner to give reasonable notice of the number and kind of business affected, and an estimate in the aggregate for the cost of compliance for the affected entities. Fiscal note forms and declarations are available online at sos.mo.gov/adrules/forms.

Frequently Asked Questions

10. May an agency with cost estimates of more than five hundred dollars indicate in its public and private fiscal note(s) and declaration that the public or private entity cost is undetermined rather than providing actual cost calculations?

No. The state agency must provide actual cost calculations and projections in the aggregate (over the lifetime of the rule) or for an emergency the time the emergency is effective for all agencies, political subdivisions, persons, or business entities affected by the rule or the rule will be void and of no further force and effect. Some agencies do so by providing a first-year cost and then estimated annual costs thereafter for the lifetime of the rule. See **Missouri Hospital Association v. Air Conservation Commission**, 874 S.W.2d 380 (Mo. App. W.D. 1994).

11. What entities are considered political subdivisions for which a state agency must calculate costs in a public cost fiscal note when filing a rule, rule amendment, or rule rescission?

Section 536.200, RSMo, provides that a political subdivision includes counties, cities, towns, and villages, and school, road, drainage, sewer, water, levee, or any other special purpose district.

12. What is incorporated by reference material? Where can I find incorporated by reference material?

According to section 536.031.4., RSMo, an agency may incorporate by reference rules, regulations, standards, and guide-

lines of an agency of the United States or a nationally or state recognized organization or association without publishing the material in full. The reference to the material incorporated in the rule must fully identify the incorporated material by publisher, address, and date in order to specify how a copy of the material may be obtained and shall state that the referenced rule, regulation, standard, or guideline does not include any later amendments or additions.

The agency incorporating a rule, regulation, standard, or guideline must maintain a copy of the referenced rule, regulation, standard, or guideline at the headquarters of the agency and shall make it available to the public for inspection and copying at no more than the actual cost of reproduction. Materials incorporated by reference must be on permanent file with the agency and may not be discarded when the materials are updated.

13. What is the difference in meaning between incorporated by reference material and included herein material?

If material is referred to as "included herein," then the material must actually accompany the rule and be published with it.

14. How does the public submit comments to the agency regarding proposed rules, proposed amendments to rules, or the proposed rescissions of rules?

Comments are submitted to the agency proposing the rule or

Frequently Asked Questions

rule changes. The text of the proposed rule, amendment, or rescission will provide the name and address of the agency or entity where comments must be filed and the deadline for submitting such comments.

Comments are not filed directly with the Secretary of State (SOS) Administrative Rules.

15. Once an agency has received all comments to a proposed rulemaking, what is the next step in the rulemaking process?

The agency prepares a final order of rulemaking that includes summaries of all the comments received, the agency's response to each comment, and any changes made to the proposed rulemaking as a result of the comments. Similar comments may be consolidated into one (1) comment as part of the final order of rulemaking.

16. When is the final order of rulemaking filed with SOS?

The final order of rulemaking must be filed with the secretary of state no later than ninety (90) days from the end of the comment period or hearing date, whichever is later, or it will become void and the process will have to start over. *Prior to filing with the SOS, the final order must be filed first with JCAR for their thirty- (30-) day review period.*

17. After the final order of rulemaking is filed with the secretary of state, when does the new rule or rule

change(s) become effective?

The new rule or rule changes becomes effective thirty (30) days after the final order of rulemaking is published in the *Code of State Regulations*.

Emergency Rules

1. What is an emergency rule?

Under section 536.025, RSMo, an emergency rule requires an early effective date because of an immediate danger to the public health, safety, or welfare or to preserve a compelling governmental interest.

2. How quickly can an emergency rule become effective?

Emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule.

3. How long can an emergency rule stay in effect?

An emergency rulemaking is effective for one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer and may be terminated at any time by the agency. All emergency rules must include a statement setting forth the dates during which they will be in effect.

Frequently Asked Questions

4. My emergency rule is about to expire. May I file another one?

No. Emergency rules are not renewable. If a proposed rule is filed at the same time as an emergency, it is possible to have the proposed rule become effective before or by the time the emergency rule expires.

5. Once an emergency rulemaking is filed with the secretary of state, will it automatically go into effect?

No. Emergency rules are reviewed by the secretary of state's office to determine if they comply with the statutory requirements for publication and adoption. See section 536.025, RSMo.

6. How does an agency or entity that has filed an emergency rule terminate such rule?

The agency may terminate an emergency rule during the period the rule is in effect by filing an order with the secretary of state fixing the date of such termination. The order of termination will be published in the *Missouri Register*.

Rulemaking Manual and Training

1. Is the rulemaking manual available on the Internet?

Yes. The *Missouri State Rulemaking Manual* is online at sos.mo.gov/adrules/manual/manual.

2. Is there a way for my agency to arrange for training on rulemaking?

Yes. Administrative Rules of the Secretary of State conducts rulemaking training sessions for state agencies. To set up a rulemaking class, call (573) 751-4015. Classes are offered virtually or in person.

Missouri Register

1. What is the *Missouri Register*?

The *Missouri Register* is the publication that sets forth all state agency rulemakings as they proceed through the rulemaking process. Specifically, the *Register* will contain emergency rules, proposed rules, final orders of rulemakings, and in additions. The purpose of the *Missouri Register* is to allow citizens access to the rulemaking process and the ability to comment on and recommend changes to proposed rules. Additionally, other state government information, such as dissolutions of limited liability companies and limited partnerships, are published in the *Register*.

2. How often is it published?

The *Missouri Register* is published twice a month, around the 1st and 15th of each month.

3. Where can I find it on the web?

The *Missouri Register* is online at sos.mo.gov/adrules/moreg/moreg.

Frequently Asked Questions

Code of State Regulations

1. What is the *Code of State Regulations*?

The *Code of State Regulations* is the set of rules promulgated by all state agencies. It is currently comprised of just under eleven thousand (11,000) pages. The rules in the *Code* are organized by state agency.

2. How often is it published?

An update to the *Code of State Regulations* is published once a month on the last day of the month except in January when it is published on the 29th (30th in a leap year). The rulemakings published in the *Code* become effective thirty (30) days after they are published unless a later day has been chosen by the agency.

3. Where can I find the *Code of State Regulations*?

The *Code of State Regulations* is available free of charge online at sos.mo.gov/adrules/csr/csr.

Non-Substantive Change Request

1. Are there non-substantive changes that can be made in a rule without going through the rulemaking process?

Yes. Section 536.032, RSMo allows changes to be made to department or division names, street address, web address, or phone numbers by simply filing a non-substantive change request.

2. Where do I find the Non-Substantive Change Request form?

The form can be found online at sos.mo.gov/adrules/forms.

3. When I submit a non-substantive change request when will that change go into the *Code of State Regulations*?

The change will be made in the update to the *Code of State Regulations* at the end of the month in which the non-substantive change appeared in the *Missouri Register*.

4. Where do I submit a Non-Substantive Change Request form?

The form, along with a transmittal, is filed with the Joint Committee of Administrative Rules and Administrative Rules of the Office of the Secretary of State just as any other item to be published in the *Missouri Register* would be filed. Email an electronic copy of the PDF packet to JCAR at JTCAR@senate.mo.gov and the word copy to rules@sos.mo.gov.

Dissolutions

1. Do I need to publish the dissolution of my company in the *Missouri Register*?

Yes. The secretary of state is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability

Frequently Asked Questions

companies and limited partnerships. The content requirements for the one- (1-) time publishing of these notices are prescribed by these same sections of statute.

2. How do I file a dissolution for publication in the *Missouri Register*?

We request that documents submitted for publication in this section be submitted as an attachment in print-ready 8 ½" by 11" manuscript by email to adrules.dissolutions@sos.mo.gov or by faxing to (573) 751-3032.

3. What is the charge for publishing a dissolution in the *Missouri Register*?

There is no charge to publish a dissolution in the *Missouri Register*.

Construction Claims Binding Arbitration Cap

Where can I find the Construction Claims Binding Arbitration Cap?

The Construction Claims Arbitration Cap is published yearly in the *Missouri Register*, usually in December. The most current cap published can be found in the Rule Changes Since Update table in the latest issue of the *Missouri Register* under 20 CSR Construction Claims Arbitration Cap. The last page number listed will be the most current limit published.

State Legal Expense Fund

Where can I find the State Legal Expense Fund?

The State Legal Expense Fund is published yearly in the *Missouri Register*, usually in December. The most current fund published can be found in the Rule Changes Since Update table in the latest issue of the *Missouri Register* under 20 CSR State Legal Expense Fund. The last page number listed will be the most current limit published.

Sovereign Immunity Limit

Where can I find the Sovereign Immunity Limit?

The Sovereign Immunity Limit is published yearly in the *Missouri Register*, usually in December or January. The most current limit published can be found in the Rule Changes Since Update table in any issue of the *Missouri Register* under 20 CSR Sovereign Immunity Limit. The last page number listed will be the most current limit published.

How can I contact Administrative Rules?

You may contact us by telephone at (573) 751-4015; by email at rules@sos.mo.gov; by regular mail at Office of the Secretary of State, Administrative Rules, PO Box 1767, Jefferson City, MO 65102; or in person at the James C. Kirkpatrick State Information Center, 600 W. Main Street, Jefferson City, Missouri, Room 168.

Frequently Asked Questions

How often are rules reviewed?

Under the Periodic Review (see page 6.02A), rules are reviewed every five (5) years.

Definitions

Administrative Rules—Administrative Rules of the Office of the Secretary of State, located in Room 168, James C. Kirkpatrick State Information Center, 600 W. Main, Jefferson City, MO 65101 or PO Box 1767, Jefferson City, MO 65102. Administrative Rules is the publisher of the *Missouri Register* and the *Code of State Regulations*.

Authority section—Paragraph following text of the rule showing section number(s) and latest revision date of *Revised Statutes of Missouri* that provides the authority for making that rule. Following this number(s) is a history of the filed and effective dates for the original rule and all of its amendments.

Cover letter or certification letter—Letter (on agency letterhead) naming the rule number and type of rule and stating the completeness and accuracy of the rule, signed by the person with rulemaking authority for your department/division. One (1) cover letter may serve for several rules, but each rule number must appear on the cover letter and a copy goes with each set for each rule. Please highlight the rule number on the original for each rule with which it is included.

Declaration—Statement affirming public cost of proposed rulemaking is less than five hundred dollars (\$500) or the accuracy of the public fiscal note if cost is more; signed by your department director, or the person to whom authority for rulemaking has been delegated.

Designated signer—Persons authorized by the director of your department to sign declarations, fiscal notes, and cover letters. An original delegation of authority letter signed by the director and designated signer(s) must be on file in Administrative Rules.

Economic impact on small business—Section 536.300, RSMo, requires any agency filing a proposed rulemaking to consider if it has an impact on small business. If not, the agency shall so certify in the transmittal letter for the proposed rulemaking. If there is an impact, a small business impact statement is to be filed with the secretary of state, the Joint Committee on Administrative Rules, and the Small Business Regulatory Fairness Board on the same day the proposed rulemaking is filed. Their email address is sbrfb@ded.mo.gov.

Any agency filing a proposed rulemaking must determine if the proposed rulemaking conforms to the requirements of section 1.310, RSMo, regarding user fees. In addition, the agency must also certify that the proposed rulemaking complies with the small business requirements of section 1.310, RSMo.

Effective date—The date set by statutes when a rule becomes effective. Normally, the effective date of a rule is thirty (30) days after publication in the *Code of State Regulations* (CSR). An agency may choose a later date.

Filing—Send rulemakings to Administrative Rules, Joint Committee on Administrative Rules, and/or the Small Business Regulatory Fairness Board for publication.

Definitions

Fiscal Note—Calculation and description of costs for proposed rulemaking when it is expected to exceed five hundred dollars (\$500). These are to be done on forms provided in the rule manual, formatted in Microsoft Word or Excel. These forms are also available online at www.sos.mo.gov/adrules/forms.

GPO Style Manual—The *United States Government Printing Office Style Manual* is used for questions of style in the *Code of State Regulations* and *Missouri Register*. This is available on the Internet at govinfo.gov/content/pkg/GPO-STYLEMANUAL-2016/pdf/GPO-STYLEMANUAL-2016.pdf.

Joint Committee on Administrative Rules (JCAR)—Joint membership committee of the legislature (both houses) that consists of five (5) members of the Senate and five (5) members of the Missouri House of Representatives. The senate members of the committee are appointed by the President pro tem of the senate and the house members by the Speaker of the house. JCAR is located in Room B-8, State Capitol Building, Jefferson City, Missouri.

Julian Day Number Calendar—A calendar which has each day of the year numbered from 1 to 365 (or 366 in a leap year).

Legislative Days—For purposes of emergency rules which may be effective for up to thirty (30) legislative days the definition is in section 536.025.7, RSMo—“A rule adopted under the provisions of this section shall clearly state the interval during which it will be in effect. Emergency rules shall not be in effect for a period exceeding one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. For the purposes of this section, a “legislative day” is each Monday, Tuesday, Wednesday, and Thursday beginning the first Wednesday after the first Monday in January and ending the first Friday after the second Monday in May, regardless of whether the legislature meets.”

Numbers in Rules—Use the *GPO Style Manual* instructions for using numbers in legal documents. This is included in section 12.18, and it says to follow spelled out numbers with numerals in parentheses. Ex: ten dollars (\$10). See govinfo.gov/content/pkg/GPO-STYLEMANUAL-2016/pdf/GPO-STYLEMANUAL-2016.pdf.

PDF Packet—The complete rule packet required for each rulemaking filing (see page 5.00A)

Promulgate—To make known or publicly announce the terms of (a proposed rule or law).

Public hearing—An open meeting with time and place designated for the agency to hear discussion on a proposed rulemaking. The announcement of time and place for public hearing must be published in the *Missouri Register* at the same time as the proposed rulemaking. When there is to be a hearing, it must be at least thirty (30) days after the publication date of the proposed rulemaking. The hearing can be virtual.

Publisher's note—A note written by the Office of the Secretary of State providing additional information about a rule.

Purpose section—A short description of the reason for a rule. An amendment has a purpose that only describes the reason for the amendment and does not go to the permanent rulemaking.

Small Business Regulatory Fairness Board—Board established by section 536.305, RSMo, located in Room 680, Harry S Truman Bldg., 301 West High Street, Jefferson City, MO 65102, (573) 526-3606.

Definitions

Takings analysis—Executive Order 93-13 and section 536.017, RSMo, directs each agency doing a proposed rulemaking to do a “takings analysis” to evaluate whether the rule constitutes a taking of real property. Furthermore, “No department or agency shall transmit a proposed rule or regulation to the Secretary of State” until such an analysis has occurred. A takings analysis is **not** required when the rule is federally mandated or if the rule substantially codifies existing federal or state law.

Transmittal—Cover sheet for each rule with number of rule and type of rule provided.

Rule Numbering

Question: I'm writing a rule. How do I number it?

Answer: Ask Administrative Rules of the Office of the Secretary of State, and we can assist you with selecting the appropriate rule number.

The Secretary of State's Office is responsible for the numbering of all rules (section 536.023, RSMo). Basically, the rule number is determined by what agency you are with, the division in that agency, and the subject the rule will cover.

For instance, if your agency has written a new rule on wooden duck toys, it would make sense that the rule goes in your chapter that already exists on wooden toys. If you had a new rule on metal toy soldiers, and there was no chapter on metal toys, you would probably want a new chapter on metal toys. The main thing to remember when trying to establish rule numbers is where would the rule be located within your rules logically?

Rules about rule numbers

A rule number can only be used once. Once a rule number has been used for a rule, the same rule number cannot be used for another rule with a different subject. For instance, you wrote a rule, **15 CSR 30-995.030 Wooden Duck Toys**. Two (2) years later, you rescinded this rule, as it was no longer necessary to have a rule on wooden duck toys. Now you have determined you need a rule on metal toy soldiers, so you write the new rule; you cannot give it the number **15 CSR 30-995.030 Metal Toy Soldiers**. This rule would require another rule number because it has a different subject matter than the rule that originally contained this number.

Instead, you assign the new rule number **15 CSR 30-995.050 Metal Toy Soldiers**, using a rule number that has not been used before, as this is your first rule on metal toy soldiers. In an effort to further clarify, rather than complicate, let's assume you later decided you needed a rule on wooden duck toys again. You could use **15 CSR 30-995.030** for this rule since it is the same subject matter. You would, however, need to make sure that you include the history in your authority section from the original rule.

Leave room in your chapters for expansion of rules. Let's say you have a new chapter **15 CSR 30-997**, and you have ten (10) new rules. If you number the rules 15 CSR 30-997.001 through 15 CSR 30-997.010 that works for now. However, next year if you should want to come back and add a new rule and want to put it between rule 15 CSR 30-997.003 and 15 CSR 30-997.004, you have no place to put it. So, in the beginning, it would be better to allow for space between your rule numbers. For example, assign rule numbers in increments of ten (10)—15 CSR 30-997.010, 15 CSR 30-997.020, etc. This way, you should have room to add rules between numbers in the future should the need to do so arise.

How to Cite Rules and RSMo

RULES

The rules are codified in the *Code of State Regulations* in this system—

Title	CSR	Division	Chapter	Rule
25		15-	5	.025
Department	<i>Code of State Regulations</i>	Agency Division Name	General subject area regulated	Specific subject area regulated

and should be cited in this manner: 25 CSR 15-5.025.

The rule is properly cited by using the full citation, for example, 25 CSR 15-5.025 NOT Rule 15-5.025.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I., and subitem a.

STATUTES

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated. The citation for those sections of the statutes would be cited as section 536.010, RSMo 2016, or Chapter 536, RSMo 2016.

Incorporated by Reference and Included Herein

When we do not include a form or other material, or do not publish the form or other material, but it is considered a part of the rule and is referred to in the rule, we will use the term “incorporated by reference.” This will meet the requirements of sections 536.021.2.(3) and 536.031.4., RSMo, to make this material available at the office of the adopting state agency. The reference in the rule must identify the incorporated material by publisher, address, and date. It must also specify how a copy of the material may be obtained. The rule has to state that it does not include any later amendments or additions.

When the form or other material is included and is considered a part of the rule, and we do publish the form or other material, we will state that the form or other material is “included herein.”

Finally, the text of the rule should not be divided by other language that is not a part of the rule. Therefore, whether we are utilizing “included herein” and publishing the forms or other material as a part of the rule, or we are using “incorporated by reference” (not publishing the forms or other material), this is considered part of the rule and should appear before the authority section.

Many agencies have found listing the website where a form can be obtained to be a more effective way of making the form available to their clients.

Annotations

Sometimes rules can cause controversy, which may lead to entire rules or parts of rules being challenged in court. In some instances, a court may declare that part, or all, of a rule is valid or invalid.

When this occurs, an agency may want to add an explanation of the case to the published rule in the *Code of State Regulations*. Additionally, a note about a case involving the subject matter covered, as well as an attorney general's opinion about a particular subject, may be added. This annotation may be added to the rule as published in the *Code of State Regulations*.

The agency should submit the annotation when they file their rulemaking with the Office of the Secretary of State. The annotations will not be published in the *Missouri Register*, but will be published in the *Code of State Regulations*.

The *Code of State Regulations* is not fully annotated. Only annotations submitted by the agencies or the courts to the Office of the Secretary of State are published in the *Code of State Regulations*. There may be additional court cases, opinions, and other such material about particular rule subjects that are not included in the *Code of State Regulations*.

Annotations added by agencies may be removed through the rulemaking process. Annotations added by court decisions cannot be removed.

What is the Difference Between a Statute and a Rule?

Statutes are laws approved by the Missouri General Assembly and usually by the governor. They are based on constitutional authority granted to the legislature to establish policies and approved by a majority of the house and senate. The statutes, or the laws passed by the legislature, are published in the *Revised Statutes of Missouri*. Statutes may be created and amended each year by the legislature. Following each session the *Revised Statutes of Missouri* are updated and republished by the Joint Committee on Legislative Research, usually by adding a supplement with new and amended statutes.

The executive branch of state government promulgates rules. The executive branch includes elected officials—governor, lieutenant governor, secretary of state, attorney general, state treasurer, and state auditor. Also included in this branch under the administration of the governor's office are all the various state agencies, such as: the Department of Transportation, Department of Elementary and Secondary Education, Department of Conservation, Department of Public Safety, etc.

These elected officials and state agencies have rulemaking authority granted both constitutionally and by legislative statutes. Once the executive entities have been granted rulemaking authority, they have the right to create rules to establish policy and procedure for carrying out their functions. Once effective, these rules have the force and effect of law.

The Dos and Don'ts of Moving Rules

Question: I have a rule that I want to move. May I move it to another place in the Code?

Answer: Maybe yes, maybe no. First, we need to find out why you want to move the rule and where you wish to move it.

Sometimes rules must be moved because a division is transferred from one state agency to another. In these cases, rules can be moved. Sometimes divisions reorganize, and this can also result in a need to move rules.

The best way to move a rule is by amending it. When you amend a rule to move it, not only can you change the rule number, but you can also amend any references inside the rule that refer to old rule numbers or statutes that might have changed as a result of reorganization. A reference to the original rule number is added to the history of the rule.

A rule may also be moved by rescinding the old rule and readopting a new rule in a different location. This situation can occur when divisions move to new state agencies and their responsibilities are increased or decreased. The old rule's history stays with the old rule. However, a notice is usually included in the new rule's authority section stating that material covered in this rule was previously contained in (insert old rule number).

In certain circumstances, rules may be moved through an In Addition in the *Missouri Register*. Rules moved in this fashion can only have the rule numbers changed and cannot correct any old references within the body of the rule. To correct any outdated references in the rule, a proposed amendment through the normal rulemaking process must be completed. A reference to the original rule number is added to the history of the rule.

Suspension or Termination of Rules

Section 536.022, RSMo lays the process for suspending or terminating rules. Suspension or termination of rules occurs very rarely.

Notice of suspension or terminations of rule shall be filed with Office of the Secretary of State, Administrative Rules immediately. The requirements for this notice are found in 536.022.2, RSMo.

These notices will be published in the *Missouri Register* as soon as practicable.

As a courtesy Administrative Rules will also publish these notices on our website at <https://www.sos.mo.gov/suspended>.

Time Line for Publishing Administrative Rules

The publication schedule for the *Register* and the *Code* is published near the bottom of the contents page of the *Missouri Register* and on the Internet at sos.mo.gov/adrules/pubsched. This shows when a particular filing will be published and when a final order becomes effective after publication.

A proposed rule, proposed amendment, or proposed rescission must have a complete PDF packet filed with the Joint Committee on Administrative Rules at JTCAR@senate.mo.gov **on the same day** this packet will be forwarded to Office of the Secretary of State, Administrative Rules Division, at rules@sos.mo.gov, as well as the Small Business Regulatory Board (if applicable), at sbrfb.ded.mo.gov/info.htm.

A proposed rule, proposed amendment, or proposed rescission must have at least a thirty- (30-) day comment period following the publication date. Likewise, if the rule is to have a public hearing, it must be scheduled at least thirty (30) days after the publication date of the proposed rule or amendment.

Once this thirty- (30-) day comment period or hearing date has passed, then you have ninety (90) days to act on the proposed rule by filing a final order. The final order may either adopt the proposed rulemaking or withdraw it. In the case of adoption or withdrawal, a copy of the final order must be filed electronically with the Joint Committee on Administrative Rules at JTCAR@senate.mo.gov **thirty (30) days before filing** with Administrative Rules, Office of the Secretary of State, at rules@sos.mo.gov. This order is first published in the *Missouri Register* then in the *Code of State Regulations*. It may become effective thirty (30) days after publication in the *Code of State Regulations*.

Example: A proposed rule is filed with the Joint Committee on Administrative Rules and the Office of the Secretary of State, Administrative Rules, on May 1. This rule is published in the June 1 issue of the *Missouri Register*. The thirty (30) days for receiving comments following June 1 ends on July 1. A copy of the final order may be filed with the Joint Committee on Administrative Rules on July 2. The same order is filed with Administrative Rules at the Secretary of State's office on August 1, which is the first day after the required thirty- (30-) day review period for the Joint Committee on Administrative Rules that the rule can be filed. The order filed with Administrative Rules is then published in the September 4 *Missouri Register*. The final form of the rule is then published in the September 30 update to the *Code of State Regulations*. The rule becomes effective thirty (30) days following publication in the *Code*, which is October 30.

Time Line for Publishing Administrative Rules

The previous example shows approximately the shortest time it takes from the original filing until a rule becomes effective, or, about six (6) months. It can take up to seven (7) or eight (8) months if the entire ninety (90) days in the life of the proposed rule is utilized. If the deadlines in the *Missouri Register* schedule are not followed, extra time is added between filing and publishing. In our example, if the proposed rule had been filed on May 2 instead of May 1, it would have moved the publication date in the *Missouri Register* to June 15. If the final order had been filed with Administrative Rules on August 16, the order would have been published in the October 1 *Missouri Register* and then published in the October 31 update of the *Code of State Regulations*, giving an effective date of November 30.

Hint: Use the timeline calculator on the Internet at s1.sos.mo.gov/adrules/datecalc/ to calculate the various filing dates and deadlines associated with the rulemaking process.

RULEMAKING TIMELINE CALCULATOR

This rulemaking timeline calculator is intended only as an aid in calculating rule filing dates and deadlines and is not a substitute for the user independently checking the accuracy of the dates and deadlines. The user is ultimately responsible for ensuring such dates and deadlines are accurate and correct.

Instructions:

1. Select the type of rulemaking from the drop down box below.
2. Use the calendar to select the date filed.
3. Then press the compute dates button.
4. Calculated dates and other information will appear below.

Select type of rulemaking:

Enter date to be filed with Administrative Rules Division, Office of the Secretary of State:

August 2017						
SUN	MON	TUE	WED	THU	FRI	SAT
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2
3	4	5	6	7	8	9

☐ Override minimum thirty-day comment period. Use only when there is a public hearing or longer comment period.

Time Line for Emergency Rules

An emergency rule is filed with the Joint Committee on Administrative Rules and the Administrative Rules Division of the Secretary of State on the same day. It may become effective as early as ten (10) business days after filing, or any time after that as indicated in the rule.

When the emergency rule becomes effective, it may remain effective for one hundred eighty (180) days or thirty (30) legislative days. Use the timeline calculator on the Internet at s1.sos.mo.gov/adrules/datecalc/ for filing dates and deadlines associated with emergency rulemaking. The calendar will give effective dates as well as expiration dates for both. If you wish it to expire sooner, you may elect to choose an earlier date.

There is also a provision to allow a rule to be effective for up to thirty (30) **legislative days**, if that is a longer period of time than the one hundred eighty (180) days. This would apply from approximately the end of March until the first of August. **See** section 536.025, RSMo, in the Appendix to this manual for the explanation of how to count legislative days.

NOTE: When the thirty (30) legislative-day option is selected, the rule may remain effective until sometime in either January or February, depending on whether or not the effective date includes any legislative days in April or May of the previous legislative session. Use the timeline calculator at s1.sos.mo.gov/adrules/datecalc/ to find out for a particular emergency rulemaking whether the one hundred eighty (180) or thirty (30) legislative days would be better for your emergency rulemaking.

Appendixes

Filing Process for Agencies Filing Rulemakings

If a rulemaking needs to be filed with the Missouri Small Business Regulatory Fairness Board, please contact them by email at SBRFB@ded.gov or call 573 526-7700.

To file with JCAR email the entire PDF rulemaking packet to JTCAR@senate.mo.gov.

Please continue to send a Word copy of the rulemaking to rules@sos.mo.gov.

JCAR will then forward the entire rulemaking packet to rules@sos.mo.gov.

For the very few rulemakings that are exempt from JCAR email them directly to rules@sos.mo.gov with a note explaining this fact.

For orders, JCAR will send the PDF rulemaking packet back to agency and at the end of thirty-(30-) days; the agency will need to send to rules@sos.mo.gov.

Once Administrative Rules Secretary of State has received the PDF rulemaking packet we will stamp a copy and scan a copy to send back to the agency that promulgated the rulemaking.

For questions for JCAR please call (573) 751-2443 or email JTCAR@senate.mo.gov.

For questions for Administrative Rules, please call (573) 751-4015 or email rules@sos.mo.gov.

Missouri Rulemaking Webpages

- *Missouri Register*
sos.mo.gov/adrules/moreg/moreg
- *Code of State Regulations*
sos.mo.gov/adrules/csr/csr
- Rulemaking Manual
sos.mo.gov/adrules/manual/manual
- Timeline Calculator
s1.sos.mo.gov/adrules/datecalc/
- Administrative Rules Forms
sos.mo.gov/adrules/forms
- Rules Copies to Amend
sos.mo.gov/adrules/agency
- Joint Committee on Administrative Rules
senate.mo.gov/jcar
- Small Business Regulatory Fairness Board
sbrfb.ded.mo.gov/info.htm

Forms

The following forms are for the use of agencies filing rulemakings. They may be found online at sos.mo.gov/adrules/forms.

Rule Transmittal

Declaration (Public Cost)

Declaration (Public No Cost)

Fiscal Note Public Cost

Fiscal Note Private Cost

Delegation of Authority

Certification Letter

Emergency Certification Letter

Non-Substantive Change Request

State Agency Small Business Impact Statement Form can be obtained at sbrfb.ded.mo.gov/info.htm or our link above.

PERIODIC RULE REVIEW PROCESS

The periodic rule review process is set forth in section 536.175, RSMo, and requires all rules in the *Code of State Regulations* to be reviewed on a rolling five- (5-) year cycle. Once the initial five- (5-) year cycle is complete a new five- (5-) year cycle will begin again in the same order. Agency review will begin on the following schedule:

Titles	Begin Review by	Complete Review by
1-6	July 1, 2020 (2025, 2030, etc.)	June 30, 2021 (2026, 2031, etc.)
7-10	July 1, 2021 (2026, 2031, etc.)	June 30, 2022 (2027, 2032, etc.)
11-14	July 1, 2022 (2027, 2032, etc.)	June 30, 2023 (2028, 2033, etc.)
15-19	July 1, 2023 (2028, 2033, etc.)	June 30, 2024 (2029, 2034, etc.)
20-end	July 1, 2024 (2029, 2034, etc.)	June 30, 2025 (2030, 2035, etc.)

Each review period begins with the Joint Committee on Administrative Rules (JCAR) submitting a notice for publication in the *Missouri Register* indicating what titles are under review, that comments may be submitted to the agency concerning rules under review within sixty (60) days of notice publication, and listing agency contact information. Each agency must select one (1) contact person who will receive comments, compile the agency report, and submit the report to JCAR.

A template for agency use in compiling and submitting the periodic review report is available on the JCAR website at senate.mo.gov/jcar/. During the review, agencies must evaluate whether each rule continues to be necessary, whether the rule is obsolete, whether the rule overlaps, duplicates or conflicts with other rules, whether a less restrictive or more narrowly tailored rule is appropriate, whether the rule needs amendment or rescission, whether incorporated by reference materials are proper, and whether rules affecting small business are still relevant. The report should also contain an appendix regarding the comments the department received on the rules and the agency responses to the comments.

Any rule not included in the report may become null and void. However, JCAR will offer opportunities to correct any deficiencies in the report before nullification of any rule(s) occurs. Any agency having difficulties compiling the report should contact JCAR. Agencies should complete all rule revisions indicated in the report in a timely manner. None of the prior needed revisions should remain incomplete when the agency again enters a review cycle.

EXECUTIVE ORDERS

EXECUTIVE ORDER 02-05

WHEREAS, maintaining an clean environment, a safe and reliable food supply, a vibrant economy, and a high quality of life for all Missourians is a high priority of state government; and

WHEREAS, the authority to implement federal regulations, legislative mandates, and administrative priorities is often delegated to state agencies through the promulgation of rules; and

WHEREAS, often the mandate of one state agency to take regulatory or administrative action can have consequences for the missions of other agencies; and

WHEREAS, to ensure the protection of the public health and economic well-being of all citizens, while simultaneously ensuring the health of the state's economy and ecology, coordination between agencies in the development of rules is a high priority.

NOW, THEREFORE, I, Bob Holden, Governor of the State of Missouri, by virtue of the authority vested in me by the Laws and Constitution of the State of Missouri, do hereby direct the following state agencies to coordinate rule development: the Department of Natural Resources, the Department of Economic Development, the Department of Agriculture, the Department of Health and Senior Services, and the Department of Conservation. Such coordination shall include, but is not limited to, organized discussion of plans and actions and dissemination of scientific data and analysis.

To facilitate such interagency coordination, I further establish an executive team to review proposed rules and offer analysis of impacts across departments upon Missouri's citizens and entities, both public and private. Specific emphasis should be placed on regulations that would have a significant impact on the missions of other state agencies.

The team shall be composed of the following Department Directors and members of the executive branch or their designated representative:

The Director of the Department of Natural Resources;
The Director of the Department of Economic Development;
The Director of the Department of Agriculture;
Director of the Department of Health and Senior Services;
Director of the Department of Conservation;
A member of the Governor's staff.

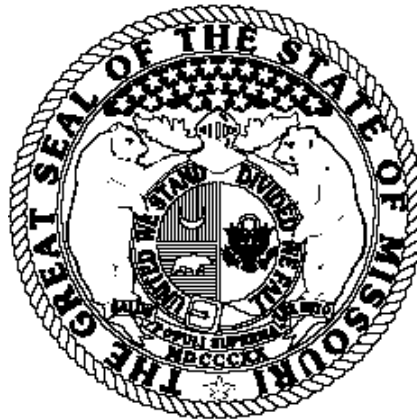
As soon as possible after completing a draft of a proposed rule, but in any case no less than 30 days before a proposed regulation regarding environmental quality, human health, or economic and rural development is filed by one of the agencies of state government represented on the

EXECUTIVE ORDERS

team, the initiating department shall provide copies of the proposed rule to all other executive team members. Team members shall review the proposed rules and may provide comments, questions, or suggestions relating to the rule to the proposing department within 30 days of being provided the proposed rule. Rules proposed as an emergency meeting the requirements of Section 536.025 RSMo 2000 (as amended) shall be exempt from review by the executive team. Nothing in this executive order shall prohibit the state agencies represented on the executive team from filing non-emergency rules without following the procedures described above when following such procedures would be impractical, provided that the agency informs the other executive team members of its actions to the greatest practical extent.

Team members shall also strive to coordinate policy development on issues that have a direct impact on the missions of other state agencies represented on the team. The team shall develop procedures for facilitating such coordination.

This executive order shall not prevent the aforementioned departments and other state governmental entities from continuing to work cooperatively while coordinating their rulemaking efforts with both public and private groups through stakeholder and informal advisory meetings.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 19th day of March 2002.

[Bob Holden's signature]
BOB HOLDEN
GOVERNOR

ATTEST:

[Matt Blunt's signature]
SECRETARY OF STATE

EXECUTIVE ORDERS

EXECUTIVE ORDER 17-03

WHEREAS, Missouri's state government has proposed and codified an excessive amount of regulations; and
WHEREAS, the Missouri Register, a publication that includes proposed and final regulations, has published more than 40,000 pages since 2000; and
WHEREAS, Missourians and Missouri businesses deserve efficient, effective, and necessary regulations; and
WHEREAS, regulations should not reduce jobs, stifle entrepreneurship, limit innovation, or impose costs far in excess of their benefits; and
WHEREAS, regulations that are ineffective, unnecessary, or unduly burdensome must be repealed; and
WHEREAS, removing needless and burdensome regulations will make Missouri more attractive to businesses and encourage job growth.

NOW THEREFORE, I, ERIC R. GREITENS, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order:

Every State Agency shall immediately suspend all rulemaking.

This suspension shall remain in effect until February 28, 2017.

Any proposed regulation that affects health, safety, or welfare, or is otherwise time sensitive or required by law, should be submitted to the Office of the Governor prior to February 28, 2017.

No State Agency shall release proposed regulations for notice and comment, amend existing regulations, or adopt new regulations at any time until approved by the Office of the Governor.

Every State Agency shall undertake a review of every regulation under its jurisdiction within the Code of State Regulations.

As part of its review, every State Agency shall (i) accept written public comments for at least a 60-day period; (ii) hold at least two public hearings to allow citizens and businesses to identify regulations that are ineffective, unnecessary, or unduly burdensome; (iii) solicit and incorporate comments and advice from private citizens, stakeholders, regulated entities, and other interested parties; and (iv) complete the review by May 31, 2018.

Every State Agency shall designate an individual to oversee the review.

For each existing regulation, and any future proposed regulation, every State Agency shall affirm in a report submitted to the Office of the Governor by May 31, 2018:

The regulation is essential to the health, safety, or welfare of Missouri residents;

The costs of the regulation do not outweigh their benefits, based on a cost benefit analysis;

EXECUTIVE ORDERS

A process and schedule exist to measure the effectiveness of the regulation;

Less restrictive alternatives have been considered and found less desirable than the regulation;

The regulation is based on sound, reasonably available scientific, technical, economic, and other relevant information; and

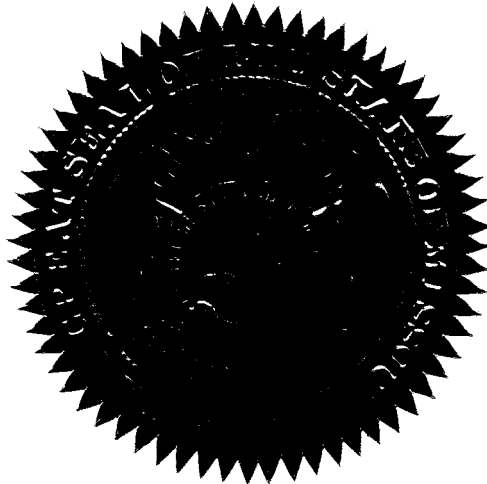
The regulation does not unduly and adversely affect Missouri citizens or customers of the State, or the competitive environment in Missouri.

By June 30, 2018, every State Agency shall take any action necessary to repeal or to cease rulemaking for any regulation that does not meet any criteria in Section 3(c) of this Order.

This Order does not modify any State Agency's obligations under Section 536.175, RSMo. Any State Agency that has already completed the review required by Section 536.175, RSMo. may include any applicable results of that review when responding to this Order. Any State Agency that has not already completed the review required by Section 536.175, RSMo. shall do so in the manner and on the schedule required by statute.

"State Agency" shall have the definition provided in Section 536.010(8), RSMo.

This Order shall supersede any previous executive order that is inconsistent with the terms contained herein.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 10th day of January, 2017.

[Eric R. Greitens's signature]
Eric R. Greitens
Governor

ATTEST:

[John R. Ashcroft's signature]
John R. Ashcroft
Secretary of State

Chapter 536

ADMINISTRATIVE PROCEDURE AND REVIEW

is available online at revisor.mo.gov/main/OneChapter.aspx?chapter=536